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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Final report on human rights and extreme poverty, submitted by the Special Rapporteur, Mr. Leandro Despouy

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Introduction

1. This is an age of unprecedented contrasts. On the one hand there are people lapping up the wonders of technological progress, culture, the information revolution, the thrilling promises of the space age, etc. On the other, there are vast numbers leading lives of indigence, adversity and neglect. For one part of mankind, change is gathering pace; for the other, it is marking time or losing ground. This fateful decline lies at the root of the most disturbing knowledge in our possession: for what matters most is not that those who are progressing are few, or may be becoming fewer by the day, but that every day more people fall behind, and do so with terrifying speed.

2. What do we actually know about these people? How many are they? How and where do they live? Why is this army of the excluded growing? We certainly know very little about them and have tried to find out even less. They are a sector of the population that is scarcely ever included in statistics, and if it is, then usually in the form of overall estimates and likely percentages which are regularly understated. There is every indication of a tendency among many Governments to parade wealth, a tendency they capably combine with extreme miserliness on the subject of poverty.

3. Truth, however, is implacable, and the truth is that poverty knows no 47 geographical boundaries but spreads over all continents and is present, albeit to differing extents, in both industrialized and developing countries. Worse, it is growing; the numbers of the poor are rising and are already well in excess of 1 billion. According to some, we shall soon reach 2 billion. But however we measure, we can be certain that of the world's 5.7 billion inhabitants, 1.5 billion are desperately poor and their number is rising by at least 25 million a year. If current economic and demographic trends continue, UNICEF says the numbers of the poor will quadruple in a lifetime.

4. According to WHO, abject poverty is the world's most efficient and pitiless murderer and executioner, as well as the main cause of suffering. It is sobering to observe how the gap between those in good health and the poor, and between the poor and the very poorest, is widening, not only from one region or country to the next but in individual countries. What is more, the perverse logic driving this spiral of exclusion operates even within underprivileged groups, and particularly affects children, the elderly and millions of women whose main handicap is precisely their sex.

5. We now know that abject poverty has claimed more victims than the horrors of war. We should ask ourselves, nevertheless, how much poverty is caused by wars and how many wars result from poverty. Internal and international flows of migrants are known to be among the most disturbing phenomena of our times and poverty, especially in its most extreme forms, is among the main causes and aggravating factors. Anyone who has ever been driven into exile and has had the good fortune to be properly received and given legal protection by the country of asylum knows full well that this is not exactly the fate that nowadays awaits those fleeing from poverty: not because the spectre of abject poverty is less frightening than that of a clandestine jail, but because legal protection for the victims of political persecution is a triumph of human sensitivity, which has not yet extended the same status to poverty.

6. Beyond this moving and disturbing overview of what we might call the world map of poverty, this study seeks to delve into the experience of those who live in poverty. For this, the Special Rapporteur has had to rely on individuals and organizations who have maintained durable bonds of understanding and brotherhood with them for years. The purpose of the exercise is nothing less than to convey, through their experiences, a sense of the most telling, essential aspects of this very special universe; but besides describing what living in abject poverty is like, the aim is to hold up a mirror to reveal to ourselves the countless vices, prejudices and stigmas that prevent us from seeing what life is like for the very poorest and, at the same time, the extreme poverty of the reality that can engender, nourish or tolerate such a life.

7. What is poverty, legally speaking, but a string of misfortunes: poor living conditions, unhealthy housing, homelessness, failure - often - to appear on the welfare rolls, unemployment, ill-health, inadequate education, marginalization, and an inability to enter into the life of society and assume responsibilities? The distinguishing feature is that these deprivations - hunger, overcrowding, disease, and illiteracy - are cumulative, each of them exacerbating the others to form a horizontal vicious circle of abject poverty.

8. Let this suffice to demonstrate how well extreme poverty mirrors the indivisibility and interdependence of human rights. Furthermore, evidence shown to the Special Rapporteur makes it plain how poverty is often passed down from generation to generation making it increasingly difficult to escape. The tendency for poverty to perpetuate itself creates a vertical vicious circle of poverty. The two circles form a kind of infernal mill that strips people of any real opportunity to exercise their human rights and take on responsibilities.

9. The inescapable question at this point is whether there are any points in common between the situation of a slave during the colonial era, someone who, until recently, was a victim of apartheid and someone now living in poverty. Obviously, there are many. The most blatant is the fact that all three are deprived of all their human rights. As for the differences, which are also legion, the most striking is undoubtedly the fact that slavery was bitterly disputed even when it was institutionalized. Apartheid was rejected and opposed by virtually all means available to mankind at the time. In contrast, poverty walks abroad to widespread indifference, or hides its emaciated multiplicity behind huge walls.

10. Ignored, relegated to isolated and distant settlements or huddled together in the suburbs of the modern world's countless metropoli, millions upon millions of people eke out an existence in which every waking moment is a bitter struggle for survival. This daily strife and the generosity frequently encountered within this world of insecurity and misfortune are of such significance that they should help us to re-evaluate the human condition. To do so, to order these experiences and derive benefit from them, we must change our view of poverty and, above all, of those who live in poverty. The only approach possible is to draw nearer to these people, forging lasting bonds of involvement. Both theory and practice indicate that nothing can be done for

people living in extreme poverty unless it is in association with them. The human beings behind the poverty-scarred faces will fully emerge only if the poor recover the full exercise of all their rights.

11. Lastly, the document prepared at the World Summit for Social Development in Copenhagen vests Governments with responsibility for its application, and lucidly and boldly suggests a number of specific ways of successfully tackling the countless challenges faced by a world in constant change. For example, of the Summit's three major objectives, the eradication of extreme poverty apparently represents an overriding imperative. The human rights dimension of absolute poverty, which was acknowledged in Copenhagen, ties in with the approach adopted in this study and is central to the recommendations made at the end of it. Some of the recommendations specifically concern extreme poverty, while others address it in connection with the fulfilment of the commitments made at the Summit.

12. Internationally, vigorous efforts are needed to harmonize the activities of the various United Nations organs and institutions (especially those with an economic or social brief linked to human rights) which have a direct or indirect impact on poverty. This is the subject of one of the proposals in this report, whose main aspiration is to seat at the same table those who could be figuratively described as the humanists, represented by the guardians of human rights active on the human rights bodies, and those who, in the name of the common welfare, administer most of the resources available to the system (UNDP, World Bank, IMF, etc.). The hope is that their humanism and realism will converge in a common vision of the major objectives of our time and agreement on specific strategies for turning back the advance of poverty and social exclusion and rapidly eradicating abject poverty. In a word, the aim is to harness efforts on behalf of a supremely simple idea: ensuring that rich and poor, travellers on the same planet, cease to move in opposite directions.

A. Origins of the study

13. In resolution 1990/15, the Commission on Human Rights requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question. Two years later, in resolution 1992/11, the Commission requested the Sub-Commission to undertake a study of this question, bearing in particular the aspects enumerated in the same resolution. The same year, in resolution 1992/27, the Sub-Commission entrusted Mr. Leandro Despouy with this study, entitled "Human rights and extreme poverty". The Commission on Human Rights and the Economic and Social Council approved his appointment in resolutions 1993/13 and 1993/44 respectively. 1/

B. The eradication of poverty: one of the founding ideals of the United Nations system

14. This report is the first study on extreme poverty undertaken by the United Nations from the viewpoint of human rights. Although it highlights a gap in the contemporary juridical literature, this in no way means that the links between poverty and human rights were overlooked by the founders of the

Organization, or its predecessor, the League of Nations. Part XIII of the Treaty of Versailles (1919), containing the Constitution of the International Labour Organization, stated that "universal and lasting peace can be established only if it is based upon social justice" and that the unrest produced among large numbers of people by injustice, hardship and privation imperil the peace and harmony of the world. Much later, on 10 May 1944, when the bases of the world's new institutional organization were being discussed, the Philadelphia Declaration reaffirmed this orientation of ILO by stating that "poverty anywhere constitutes a danger to prosperity everywhere".

15. On 10 December 1948, in its preamble, the Universal Declaration of Human Rights declared that "the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people". The statement of this ideal was repeated in similar terms in the preambles to the two international human rights Covenants adopted in 1966, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, which declare furthermore that this ideal "can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights".

16. In 1969, the Declaration on Social Progress and Development affirmed that social progress and development require the full utilization of human resources, including in particular, the assurance to disadvantaged or marginal sectors of the population of equal opportunities for social and economic advancement.

C. Recent developments in the perception of extreme poverty within the United Nations system

17. Extreme poverty has long been perceived as an essentially economic phenomenon, which explains why, within the United Nations, it has been studied particularly in the context of economic and social problems, and why the Commission on Human Rights initially placed it under the question of the realization of economic, social and cultural rights. Mr. Asbjørn Eide's study of the right to adequate food as a human right 2/ and Mr. Danilo Türk's study on the realization of economic, social and cultural rights 3/ represent enormous progress in clarifying the relationship between the latter rights and civil and political rights, demonstrating the indivisible and interdependent nature of human rights. It may also be recalled that in 1987, Father Joseph Wresinki, 4/ in his statement to the Commission on Human Rights, asked for the question of extreme poverty to be considered as a violation of human rights overall. It was, however, only at the start of the present decade that consideration of the question of poverty and extreme poverty acquired momentum of its own within the United Nations system, and in particular in the human rights bodies.

18. The General Assembly for its part has adopted a series of resolutions concerning human rights and extreme poverty, welcoming the decision to make a specific study of the question and declaring that it would await the results. In 1992, resolution 47/196 declared 17 October the International Day for the Eradication of Poverty. Less than six months later, at the World Conference

on Human Rights in Vienna in 1993, 5/ a consensus emerged that extreme poverty and social exclusion should be regarded as violations of human dignity which stood in the way of the full and effective enjoyment of human rights, and urgent steps should be taken to eradicate them. The States attending the World Summit for Social Development in Copenhagen in 1995, 6/ took a further step by committing themselves to introducing policies and strategies which would considerably reduce all forms of poverty, diminish inequalities and eradicate absolute poverty. Lastly, the General Assembly, in resolution 48/183, proclaimed 1996 International Year for the Eradication of Poverty and, in resolution 50/107, proclaimed the first United Nations Decade for the Eradication of Poverty (1997-2006).

D. The Special Rapporteur's aim and mandate

19. This study, the completion of which coincides with the International Year for the Eradication of Poverty, is the culmination of preliminary reflections set out in the two interim reports. 7/ Its purpose is to give an overall view of extreme poverty from the human rights standpoint, to encourage a genuine awareness of the seriousness of the phenomenon, to make it better known and, thus, to foster more suitable means to stamp it out.

20. According to the resolutions defining his mandate, the Special Rapporteur must basically concern himself with "the effects of extreme poverty on the enjoyment and exercise of all human rights and fundamental freedoms of those experiencing it". The Commission and the Sub-Commission have given the Special Rapporteur methodological directives for carrying out this task. Above all, he must:

> Take advantage of the experience and the thinking of the poorest and of those committed to their defence in order to make extreme poverty a better-known phenomenon;
>
> Bring to the public eye the efforts the very poor make in order to be able to exercise their rights and participate fully in the development of the society in which they live; and
>
> Enhance the conditions enabling such persons to become partners in the realization of human rights.

21. In view of the importance of family relationships in holding society together, the Special Rapporteur was also asked, during the International Year of the Family in 1994, to concentrate on the role of the family as a support for persons fighting to overcome poverty. Lastly, the Commission on Human Rights in resolution 1995/16 invited him to give attention to the declaration and programme of action to be adopted by the World Summit for Social Development, thus making this study an integral part of the strategies and efforts of all United Nations bodies and institutions to eradicate poverty.

22. On the basis of these recommendations, the Special Rapporteur intends to propose here a new method for getting to know and analysing extreme poverty. He hopes thus to contribute to the initiation of more suitable and therefore more effective activities, locally, nationally and internationally, the keynote of which will be respect for all human rights as embodied in the relevant international instruments.

E. Sources and information received

23. In order to carry out the mandate entrusted to him, the Special Rapporteur has since 1992, been seeking to gather information on the basis of a questionnaire addressed to States, intergovernmental organizations and non-governmental organizations, particularly those that have long been working in the field with persons living in extreme poverty.

24. He wishes to thank Governments for the many replies he has received, which have displayed an encouraging interest in this study. He thanks the intergovernmental organizations, many of which have in recent years devoted considerable efforts to becoming familiar with analysing and implementing programmes to combat poverty. He also thanks the non-governmental organizations, particularly those that have long been working in places where abject poverty is rife, for without them this study would have not been possible.

25. Lastly, he dedicates the study to those all round the world who confront abject poverty daily. They have taught him and enabled him to transmit something new, and to understand that what is at stake in their remorseless struggle against poverty is respect for human dignity - their own, but also everybody else's, including those who ignore or tolerate it.

F. Methodology

26. The methodology adopted follows the guidelines referred to above. Extreme poverty is a poorly known issue which is difficult to target by the usual methods, particularly because of the difficulty of reaching persons living in it; the Special Rapporteur has therefore not only studied the replies to the questionnaires mentioned above and the main works on the question, but has also: (a) followed closely the experience of non-governmental organizations with established commitments in the field; (b) taken part in encounters, open universities, 8/ seminars, etc. with persons from poverty-stricken areas; (c) used monographs tracing the lives of extremely poor families over several generations.

G. Terminology

27. Several terms are used to identify extreme poverty. As was mentioned in the previous report, terms such as "absolute poverty", "extreme poverty", "critical poverty", "acute poverty", "indigence", "deep poverty" and "want" are used to convey roughly the same meaning. The Special Rapporteur has also met the term "fourth world" which is used in several of the documents referred to below. 9/

28. Whatever the terminology used, all studies which deal with the subject distinguish an extreme category within poverty. Thus the Copenhagen Declaration and Programme of Action distinguish between poverty or "general poverty" and "absolute poverty" or "extreme poverty". In United Nations human rights bodies, the most commonly adopted distinction is between poverty and

extreme poverty. The Special Rapporteur, for his part, will therefore continue to use the term employed in the resolution establishing his mandate, i.e. extreme poverty.

29. The only purpose of standardizing terminology is to make it easier to pinpoint a phenomenon in respect of which a wide variety of approaches has been adopted. This in no way excludes the need for legal criteria to define extreme poverty from the human rights angle for the purposes of this study.

H. Plan of the study

30. After this introductory section, chapter I will consider the scale and seriousness of the scourge of poverty, and the inadequacies of statistics and indicators. Chapter II will deal with the activities of the main bodies of the United Nations system in this area and the exciting debate opened up by the search for new paradigms of development. In view of the amount of existing material, part of these activities will be dealt with in the annexes (see annex II). Chapter III will set out a legal approach to the impact of extreme poverty on human rights as a whole and identify some legal criteria for its definition. Chapter IV will touch upon the prejudices and discrimination to which the very poor are subjected and ways of reaching this little-known population. Finally, some recommendations will be made.

31. On account of the financial difficulties of the United Nations and limits on the length of reports, some topics discussed in the interim reports, such as the work of the international organizations, will be consigned to references for the most part, so as to leave more space for topics specific to this study.

I. THE SCOURGE OF POVERTY

A. Seriousness, scale and spread of poverty

1. Seriousness of the phenomenon

32. In its remarkable World Health Report, 1995: Bridging the gaps, the World Health Organization (WHO) paints a striking picture of the scale and seriousness of extreme poverty in the world. The world's most ruthless killer and the greatest cause of suffering on earth is listed in the latest edition of WHO's International Classification of Diseases, an A-to-Z of all ailments known to medical science, under the code Z 59.5 which stands for extreme poverty. In its report, WHO goes on to say that poverty is the main reason why babies are not vaccinated, clean water and sanitation are not provided, and curative drugs and other treatments are unavailable and why mothers die in childbirth. Poverty is the main cause of reduced life expectancy, of handicap and disability, and of starvation. Poverty is a major contributor to mental illness, stress, suicide, family disintegration and substance abuse. Poverty wields its destructive influence at every stage of human life from the moment of conception to the grave, continues the report. It conspires with the most deadly and painful diseases to bring a wretched existence to all who suffer from it.

33. In his study on the right to adequate food as a human right, 10/ in 1989, Mr. Asbjørn Eide said that however one counted or described the situation, the picture was staggering: more than 1 billion people were chronically hungry. No other disaster compared to the devastation of hunger which had caused more deaths in the past two years than were killed in the two World Wars together.

34. The study by the author on human rights and disabled persons 11/ places malnutrition and poverty among the main direct causes of disability, besides classifying them as aggravating factors. UNICEF has pointed out on several occasions that in many countries extreme poverty takes the form of high infant mortality, disability and illiteracy rates; its annual report for 1995 asserts that diseases and malnutrition continue to take the lives of 35,000 children every day.

35. According to the Commission on Science and Technology for Development, extreme poverty is intimately connected with other worrisome facets of the human condition. 12/ One is that the majority of the world's very poor are women, children or the elderly, who are ordinarily dependent on the care of women.

36. The Platform for Action of the Fourth World Conference on Women, held in Beijing in 1995, 13/ states that while poverty affects households as a whole, because of the gender division of labour and responsibilities, women bear a disproportionate burden, and must manage household consumption and production under conditions of increasing scarcity. The situation is most difficult for women in rural areas.

37. One particular problem, to which poverty and rapid urbanization are major contributing factors, is street children. According to WHO, many of these children are below the age of consent, do not have parents or guardians, do not know a trusted adult who could accompany them for medical treatment and do not have the necessary documentation. Both boys and girls are highly vulnerable to drug abuse, prostitution and criminal exploitation, and in some regions street children risk summary execution from death squads. As a result of these extremely painful and hopeless living conditions, 55 per cent of children in Rio de Janeiro in Brazil admitted that they had attempted to take their own lives. Recent estimates place the number of street children at as many as 100 million. There may be 40 million in Latin America, 25 million in Asia and 10 million in Africa, with about 25 million in other areas, including the developed world.

38. The World Bank, in its annual report for 1995, also describes the dramatic situation of children. Every year, 3 million children in developing countries die for lack of clean water; 12 million die of other causes before their fifth birthday and 130 million have no access to primary school. More than 1 million children are blind for lack of vitamin A and 50 million suffer from serious mental and physical disabilities due to lack of iodine. In low-income countries, more than half of the young children are anaemic, thus initiating the vicious circle of poverty - ill-nourished mothers give birth to underweight babies, who run the greatest risk of becoming the next generation of the poor.

2. Scale and spread of the phenomenon

39. Revealing a growing awareness of the spread of poverty in the world, the General Assembly in its successive resolutions entitled "Human rights and extreme poverty" 14/ has declared itself, in the same language as used by the Commission on Human Rights, "deeply concerned that extreme poverty continues to spread in all countries of the world, regardless of their economic, social and cultural situation, and seriously affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms".

40. In addition to disparities in national development levels, WHO affirms that there is a phenomenon common to all countries: the increasing poverty of disadvantaged groups and communities, particularly in inner cities in the developed as well as the developing countries. There is a gap not only between rich and poor but also between the poor and the poorest of all, not only between regions and countries but also between population groups in the same country. A disadvantaged subclass exists in every country and also in every town.

41. The Department of Economic and Social Development, in its Report on the World Social Situation, 1993, 15/ states that over the preceding 10 years, poverty has increased in Africa and Latin America in both absolute and relative terms. In Latin America, the advance that the years of rapid growth had brought to poverty alleviation during the 1970s was lost in the 1980s. The region entered the 1980s with an estimated 35 per cent of households living in poverty, down from 40 per cent in 1970; it closed the decade with 37 per cent of households and 44 per cent of the total population in poverty.

42. Galloping and unplanned urban development is both the cause and the effect of spreading poverty. As urban development progresses, poverty, too, develops. Already in the United States, Europe, and Latin America the city has become a centre where extreme poverty flourishes. In developing countries, cities offer less and less escape from poverty, particularly in the absence of social services. They are even becoming the venue for a specific form of poverty, where the weakest are even more vulnerable than anywhere else, the obvious targets of prostitution, of crime - whether organized or not - and of violence, including violence on the part of the security forces. Street children, child slaves sold to the highest bidder, women on their own, burdened with too many children, and old people without resources are often worse off in these huge cities and slums than in the countryside whose poverty they have fled. In 1980, only one third of the inhabitants of developing countries lived in cities. Today, half of the world's population are already city-dwellers. 16/

43. According to the Report on the World Social Situation, 1993, poverty in Latin America has increased mainly in urban areas. In 1986 there were more urban poor (94 million) than rural poor (76 million). With few exceptions, the share of poor households in rural areas was stable or decreased, despite sluggish economic growth. Yet rural areas continued to host the vast majority of the extremely poor, whose incomes would not purchase the minimum basket of food.

44. Still according to the same report, poverty, which had been practically eliminated in the centrally-planned economies during the period of rapid post-war industrialization, re-emerged in the late 1970s. It is estimated that half of the poor in developed countries live in Eastern Europe and the former Soviet Union. Even though there are ambiguities in defining poverty levels, there is agreement that the number of people living in poverty rose in all countries in the region during the past two decades. The studies of the World Bank, the Statistical Office of the European Communities and some others are consistent in their conclusions. However, "the risk of falling into poverty was highest in the former Soviet Union for large families and therefore children, non-male-headed families and one-earner families".

45. During the 1980s, the social composition of groups in the region living in poverty changed substantially. Impoverishment among workers increased most. The living standards of residents in urban centres deteriorated more than those of farmers. Late in the 1980s, homeless people and beggars - extinct social groups under socialism - slowly became a part of the city landscape in many countries in Eastern Europe and the former Soviet Union.

46. The expansion of the phenomenon in industrialized countries should not be overlooked. Awareness that the phenomenon had worsened was expressed recently, in 1995, by the Council of Europe which spoke of "a rapidly growing problem"; it noted that "there was currently no shortage of indications showing that poverty and social exclusion were posing an increasing number of problems in all European countries". 17/ A recent report of the Committee on Social Affairs and Employment of the European Parliament reminds us that Europe in 1995 no longer knows where to conceal its poor. Poverty, a paradox in one of the most prosperous regions on Earth, affects more than 52 million people. Practically one person in seven is threatened by poverty and social exclusion in Europe as a whole. The report stresses that the figures are certainly underestimates.

47. Given the extent of this scourge which so seriously affects millions of people in every part of the world, the Special Rapporteur endorses the view set forth by UNICEF in its remarkable report The State of the World's Children 1993: "none of the great issues that are assuming priority today - the cause of slowing population growth, the cause of achieving equality for women, the cause of environmentally sustainable development, the cause of political democracy - will or can be realized unless the most basic human needs of the forgotten quarter of the Earth's people are met".

B. Statistics and methods of measuring poverty

48. A good deal of concern has been expressed over the overwhelming evidence of rapidly spreading and worsening poverty, especially since the 1980s - a fact on which the major international organizations agree. Nevertheless, not all of them use the same methods of evaluation or reach the same conclusions on the extent of poverty. The figures vary, depending on the method (indicators) used, the effort made to reach the population under study, the technical means available and, obviously, the purpose of compiling or tabulating of the data.

1. Methods of measuring poverty

49. There are highly reductionist methods for measuring poverty and extreme poverty that use income levels as the sole parameter. Other, much more sophisticated methods apply a whole series of indicators. As one might suppose, the figures resulting from such disparate methods inevitably differ. For example, if a person is not considered poor because he earns more than one dollar a day, even though he has nowhere to live and cannot attend school, the statistics will report a much smaller number of poor people than if individuals lacking both housing and education are also counted. Clearly, in this field we still do not have accurate, much less reliable, statistics; as most of the organizations and institutions that deal with the subject at the international level recognize, the commonest quantitative tools tend to underestimate the phenomena they claim to evaluate. 18/

50. In 1985, the World Bank established a "poverty line" as representing a level of consumption of $370 per person per year and an "extreme poverty line" of $275. Based on those benchmarks, the Bank calculated that that year there were approximately 1.115 billion poor in the developing world, 630 million of them extremely poor. The notable feature of this estimate is that it was used as a baseline by a number of bodies and institutions in the system, sometimes confusingly, without specifying which of the two categories of poor was in question, and at other times critically, raising the extreme poverty line to the level of the poverty line on the grounds that even a dollar a day was an extraordinarily low threshold for measuring extreme poverty. A short time later, the Bank itself was introducing revisions, 19/ and in 1993 it used a "poverty line" of $2 per day and an "extreme poverty line" of $1 per day for Latin America. 20/

51. In his previous interim reports, the Special Rapporteur referred in detail to the commonest methods in use in the different geographic regions. 21/ The new trend is to combine several classical indicators in order to obtain greater statistical reliability. In Latin America and the Caribbean, for example, where the poverty line or threshold method was traditionally used, it has recently been combined with the criterion of unsatisfied basic needs. The resulting difference in percentages is quite striking: whereas the World Bank calculates a rate of 25 per cent for the entire region in 1990, in 1992 ECLAC, using the poverty line method, came up with a rate of 45.9 per cent. UNDP's Regional Poverty Eradication Programme applied the integrated measure of poverty method and arrived at a value of 61.8 per cent - 36.6 per cent more than the World Bank estimate. This demonstrates the astounding discrepancies that can result from different methods of measuring poverty.

52. It is interesting to review the changes that have been occurring in other United Nations bodies. The "Report on the World Social Situation 1993" makes a distinction between the poor and the extremely poor: a person may be considered poor "if the total of his/her income earnings from the various assets he/she commands - such as land, capital and labour - do not allow that person a minimum nutritionally adequate diet and other essential non-food requirements".

53. The Commission on Science and Technology for Development (CSTD) in 1993 established a panel whose task is to examine the role of technology in the satisfaction of basic needs and to consider fresh scientific approaches that could help low-income populations in that regard. The panel defined basic needs as being the minimum elements needed to sustain life in all humans without exception, i.e., sufficient and appropriate nutrition, health care and water distribution and sanitation services, but also access to education and information so that individuals and groups can participate in productive activities and make rational use of the basic goods and services at their disposal.

54. As may be seen, the current trend in indicators is to give the concept of basic needs a much broader meaning than that of food needs. This coincides with the emphasis placed by the Social Summit on the fact that the satisfaction of basic human needs is a decisive factor for the alleviation of poverty and the achievement of real social development. It also asserted that "these needs are closely interrelated and comprise nutrition, health, water and sanitation, education, employment, housing and participation in cultural and social life" (Programme of Action, para. 35 (b)).

55. These were the main criteria used by the Social Summit to define extreme poverty, which it also called "absolute poverty" and characterized as being a state of "severe deprivation of basic human needs, including food, safe drinking water, sanitation facilities, health, shelter, education and information", noting that it "depended not only on income but also on access to social services" (Programme of Action, para. 19). More specifically, it called for "the development of methods to measure all forms of poverty, especially absolute poverty" (para. 25) and the complementary "elaboration, at the national level, of the measurements, criteria and indicators to determine the extent and distribution of absolute poverty" (para. 26 (d)).

56. The Special Rapporteur assigned to study the relationship between enjoyment of human rights, particularly economic, social and cultural rights, and income distribution at the national and international levels could make a very useful contribution in this field, by elaborating quantitative and qualitative indicators of social development.

2. Data discrepancies and shortcomings

57. Whatever measurement method is used and whatever the resulting discrepancies, figures on the number of persons living in extreme poverty will always be alarming. As we saw above, the estimate of 1.1 billion has long been considered low, and some people believe that, if properly re-evaluated, the figure might be as high as 2 billion. According to a recent United Nations publication on the International Year for the Eradication of Poverty, "Of the 5.7 billion people in the world, 1.5 billion are desperately poor and the number is increasing by approximately 25 million a year. According to UNICEF, it will quadruple within a single lifetime if current economic and demographic trends continue." Every minute of every day, one in every five babies is born into poverty.

58. In Africa, half the population is impoverished. As a continent, Africa has 16 per cent of the world's poor, most of them (60 per cent) in rural areas of sub-Saharan Africa.

59. As stated in the previous report, the only region where the number of poor has declined in proportional terms was Asia, on account both of the improvement in the situation in India, Pakistan and China, and of the spectacular development of the countries known as the four "dragons". Asia continues to have the highest number of poor in the world, however, even though Africa has the highest proportion. The Standing Committee on Poverty Alleviation of the United Nations Conference on Trade and Development (UNCTAD) further states that "Even in Asia and the Pacific, where the growth performance was exceptionally strong, the number of people living in absolute poverty increased, partly owing to continuing population growth." 22/

60. According to figures in the "Report on the World Social Situation 1993" 23/ and the table on the extent of poverty presented by the Special Rapporteur as an annex to his 1994 interim report, 24/ Latin America is the third most impoverished region - ranking after Asia and Africa, if the number of poor is taken into account, or after Africa and Asia, if the percentage of the population below the poverty line is considered.

61. In Europe, estimates made in 1989 found between 3 and 5 per cent of the total population living in a situation of cumulative precariousness. 25/ As we have seen, both the Council of Europe and the European Parliament believe that the situation has worsened considerably.

62. These estimates, beyond their obvious discrepancies and inadequacies, show that, in so far as we do have a clearer picture of poverty, the phenomenon is evidently worsening - not only in developing countries but in countries in transition and industrialized countries as well.

3. Lack and inadequacy of data on poverty and extreme poverty

63. Such, in broad outline, are the data available today. But what are the reasons for their inadequacy? Are they technical, sociological or other? Even in industrialized countries with the technical and financial means to compile high-quality statistics, the statistics do not take account of the poorest section of the population. In its final report, dated 13 February 1991, on the Second European Programme to Combat Poverty, the Commission of the European Communities (CEC) emphasized the shortcomings of the data on poverty, which entailed not only an underestimate of poverty but also a lack of any estimates of extreme poverty.

64. At least four reasons for the lack and inadequacy of the data can be identified:

(a) The poorest people are not contacted when statistics are gathered

65. For example, the above-mentioned CEC report indicates that homeless persons are not covered, and nomads, political refugees, illegal immigrants and inhabitants of shanty towns are inevitably underrepresented. People in socio-medical establishments of all types are likewise disregarded even though

they are probably poorer than the average. When surveys are based on a representative sample of families in a country, the most disadvantaged are not usually questioned owing to the difficulty of contacting them.

66. In developing countries, where many extremely poor people do not even appear on the civil registers, or where the means to compile statistics even on relatively identifiable sections of the population are lacking, the statistics that do exist are far from complete or reliable.

(b) The parameters used are inappropriate

67. As mentioned above, current indicators generally underestimate poverty. The CEC report says as much, adding that the figures obtained in surveys are based on expenditure. Poor households' expenditure often exceeds income, however, since they are more likely to accumulate debts than savings. This is particularly true when their income is precarious and fluctuates daily. 26/

(c) There is a lack of interest in and regard for the poorest section of the population

68. The fact that people living in extreme poverty do not appear in the statistics is not attributable solely to technical difficulties; it also reflects the lack of interest and consideration from which they suffer. As a result, they do not enjoy the fundamental right to be included correctly in censuses.

69. The fact that the poorest are aware of this lack of consideration can have a direct impact on the findings of surveys to assess poverty. The CEC report mentioned above says that the demeaning nature of poverty induces persons facing major difficulties to refrain from designating themselves as poor in surveys in which they are requested to rank themselves on a scale ranging from wealth to poverty. A study by the International Institute for Labour Studies (IILS) 27/ ironically observes that "being recognized (and recognizing oneself) as poor is part of the misery of being poor".

(d) Manipulation of the data

70. The Department of Economic and Social Development 28/ warns that the inadequacy of available statistics must none the less be borne in mind and that, even where official statistics on income distribution exist, illegal or parallel economic activities may make for a very different situation. It warns that "poverty lines are inevitably somewhat arbitrary, and small changes might increase or reduce considerably the estimates of those living in poverty". This makes it possible to manipulate statistics, by either increasing or, more commonly, decreasing, the numbers of the poor for political, economic or other reasons which have very little to do with combating poverty.

4. Need for better quantitative and qualitative information on extreme poverty

71. Societies have long been accustomed to a lack of precise information about the poorest sector of the population, and would continue to disregard it if its growth were not starting to prove disruptive.

72. Aware of the pernicious consequences of inadequate statistics on the implementation and effectiveness of measures to combat poverty, the Social Summit called upon States "to improve the reliability, validity, utility and public availability of statistical and other information on social development" (Programme of Action, para. 16 (e)). More specifically, it called for "the development of methods to measure all forms of poverty, especially absolute poverty" (para. 25).

73. The Summit also stressed the need for better qualitative information in this field. Its Programme of Action calls for qualitative indicators of social development to be developed (para. 83 (h)) and for changes in poverty levels to be evaluated, also from the qualitative standpoint (para. 29 (b)). Chapter III of this report will demonstrate the usefulness of that approach.

74. Even more than for other subjects the combination of the two approaches - quantitative and qualitative - is essential to a pertinent understanding of extreme poverty, which in turn is clearly indispensable to the implementation of effective measures, as called for at Copenhagen.

II. ACTIVITIES OF INSTITUTIONS AND INTERNATIONAL ORGANIZATIONS RELATING TO POVERTY

A. Towards a new paradigm: sustainable human development

75. Traditionally, the concept of development has had a strong economic connotation. It defined a country's growth and was usually expressed in figures, percentages and mathematical formulas. Thus for many years politicians, economists and development planners have used average per capita income as an indicator of a country's progress or decline. As a result, many national development activities focused exclusively on economic growth, often ignoring the human side of development and the potential of social investment for accelerating it.

76. In recent years, however, this extremist economic viewpoint that somewhat simplistically identifies "economic growth" with "development", has begun to be re-examined, and an extremely interesting debate is under way in different international circles. The latest UNDP reports 29/ reflect this welcome development. They link economic growth with other basic human indicators such as life expectancy, adult illiteracy, infant mortality and equality between the sexes, as components of the concept of human development. In other words, new parameters, just as reliable as the old ones but much more revealing of peoples' economic, social and cultural progress, are being incorporated into assessments of development.

77. This re-examination is based on a demonstrable fact: economic growth does not necessarily produce well-being for the whole population. One all too

often hears it said that an improvement in an economic indicator does not, in practice, bring equal benefits to all sectors of the population. Growth should thus be considered not so much in quantitative as in qualitative terms. In human development, account should be taken not only of economic expansion, but also of how fairly its results are distributed. Unlike the effects of economic crises, which generally hit the most disadvantaged layers of the population first and hardest, progress, and especially wealth, tends to concentrate in the most well-to-do sectors and not to filter downwards as easily. This explains why the Fourth United Nations Development Decade proposes a "broadly-based" model of development as an international strategy, one in which economic progress is distributed as widely as possible among all sectors of society.

78. Development must also be "sustainable": present needs must be met through the rational and appropriate use of existing resources without compromising supplies or the future for later generations. This is why so much emphasis is currently placed on ecological balance, protection of the environment, etc., as a sine qua non if the benefits of progress are to last and development is to be sustainable.

79. As stated in numerous resolutions of the Economic and Social Council, the Commission on Human Rights and the Sub-Commission, popular participation in decision-making is one of the essential ingredients or motors of development. This implies, inter alia, that development should be of the people, by the people and for the people: development has to be planned around people, not people around development.

80. In short, the concept of human development could be said to be based on a much truer and more comprehensive understanding of reality, since if we attempt to evaluate objectively the level of development of a given country, we must in addition to its economic growth indicators also examine the extent to which its inhabitants genuinely exercise their economic, social and cultural rights, participate in the political life of their country and make use of their freedom.

81. As we shall see, this has two advantages. On the one hand, it shows where human rights as a whole belong among the irreducible components of sustainable development, and on the other, it supersedes the traditional approach to international technical and economic cooperation, including social considerations and other human priority areas among its main goals and objectives. 30/ There has been a marked increase in recent years in the resources made available under international cooperation for health, education, justice, human rights in general, protection of children, women, disabled persons and other vulnerable groups, ecological conservation, protecting the cultural heritage of indigenous populations, and so forth. 31/

82. As we shall see later on, this new paradigm has, predictably, not had an equivalent impact on all the programmes and activities of the various bodies and organs of the system, although it is clear that it has pervaded their literature.

83. The activities of some of the main entities working directly or indirectly to eradicate poverty are reviewed below. For reasons of space only three are described in the body of the report; some other international organizations working in the field are listed in annex II. A brief mention will also be made of the activities of the non-governmental organizations involved in development programmes, support for very small business ventures, etc., such as the Grameen Bank.

B. United Nations Development Programme

84. UNDP's contribution in this area has been considerable, first, because of its decisive role in both elaborating and implementing the concept of sustainable human development. As stated above, this has transformed the old approach to international cooperation. The diversification and expansion of cooperation to include social and other areas or sectors of human priority have made for more cooperation projects geared towards the disadvantaged sectors of the population. Second, UNDP has made the eradication of poverty its highest priority. It was already one of UNDP's six main objectives in its 1992-1996 programme, and support for grass-roots organizations, non-governmental organizations and government agencies responding to the needs of the poor was a distinctive feature of its strategies.

85. Lastly, its analytical documents and papers based on concrete experience in various countries are extremely interesting, as are the guidelines given in some of its publications, which serve as a general framework for the preparation of national poverty-eradication strategies. 32/

C. World Bank

86. In its 50 years of existence, the Bank and its four subsidiaries making up the World Bank group have conducted over 6,000 financing operations together worth over $300 billion, in some 140 countries. Ever since it was founded, one of the Bank's main objectives has been the eradication of poverty. Established at the end of the Second World War, it played a decisive role in the economic reconstruction of Europe and Japan and is today the main conduit, worldwide, of economic resources and technical assistance for developing countries.

87. Until the late 1970s, nearly all the loans were for infrastructure, such as the construction of roads, dikes and ports. When the foreign debt crisis occurred in the early 1980s, the World Bank, together with the International Monetary Fund, began encouraging countries to apply "structural adjustment programmes". Basically, these were certain types of loans the granting or disbursement of which was contingent on countries' adoption of economy measures or policies which the Bank felt Governments should apply to return major macroeconomic variables such as the budget deficit, the balance of payments or inflation to equilibrium.

88. The common feature of the conditions is their tendency to reduce the budget deficit and open up the economy. The first major objective (eliminating the budget deficit) is based on the expectation that the debtor countries will achieve a trade surplus that will enable them to continue servicing their external debt. The second (opening up the economy) is

designed to ensure that debt-servicing payments do not affect the industrialized countries' export flows. 33/ Lastly, monetary stability guarantees that tax revenues, converted into dollars, will allow external payments to be met.

89. The bitter criticism aroused by this imposition of outside conditions on national economic policies grew when people realized the social costs that structural adjustment programmes entailed in most developing countries where they were introduced. Studies by United Nations social and human rights bodies and the many resolutions those bodies adopted agree on this point. 34/ Among the many objections to such programmes are that they impede the exercise of the right to development, that the adjustment burden is distributed unequally, usually falling on the low-income sectors and accentuating disparities, and that the measures designed to relieve their negative effects are inadequate or hastily contrived. But the criticisms most often heard are those that emphasize the adverse effect of structural adjustments on economic, social and cultural rights.

90. Judging by its reports, however, the World Bank has introduced some interesting innovations in recent years, both in its assignment of economic resources, by putting social aspects among its priorities, and in its working methods, by considerably increasing its contact with non-governmental organizations. A better understanding of this trend is provided by the Bank authorities in the Bank publication, Les leçons du passé, les enjeux de l'avenir (The lessons of the past, the stakes of the future):

> "The stakes have changed over the years. The Bank group has learned from experience, and been led to shift its development approach". "Whereas we initially thought that growth would eventually filter down to the poor by osmosis, we have now realized that curbing poverty also requires taking measures to aid the most disadvantaged and most vulnerable groups".

91. This encouraging approach has made the World Bank one of the main world sources of investment in sectors such as education, health, family planning and the environment in developing countries. Once it was realized that this type of investment in human capital is essential for growth, the volume of Bank loans in those areas rose from 5 per cent of the total in the early 1980s to over 17 per cent in financial year 1994. 35/ At the World Summit in Copenhagen, the Bank announced that it intended to increase its contribution to the social sectors by some 50 per cent over the following three years. 36/ More recently, James Wolfensohn, a few days after taking office as the President of the Bank, reaffirmed this trend, adding, "Without parallel social development, there can be no satisfactory economic development". Finally, the Bank has expressed willingness to respond favourably to requests from Governments for cooperation in the field of human rights education and has decided to assign responsibility for coordinating such programmes to the Office of the United Nations High Commissioner for Human Rights. 37/

92. Although the Special Rapporteur does not have the information to evaluate the scope or extent of the changes that have taken place, he considers it important to draw attention to the new relationships that have grown up between the Bank and non-governmental organizations; in the words of a Bank publication, "The World Bank has changed its working methods over the last

five years. Participation has taught it to listen to its partners and provide grass-roots organizations with the means for planning and achieving projects". 38/ For financial year 1995, 41 per cent of the projects approved by the Bank included a role for non-governmental organizations.

D. International Monetary Fund

93. The International Monetary Fund has not proved so sensitive to the progress in social matters being made at the international level. Given that its purpose is of a "macroeconomic nature, the IMF contribution to social development can only be indirect and its advisory role in social policy matters is necessarily a limited one". 39/ "In the social sphere, analysis and technical or general policy advice are, to a large extent, matters for international organizations other than IMF, such as the World Bank, the regional development banks, FAO, ILO, UNDP and UNICEF, as well as bilateral donors and non-governmental organizations." Nevertheless, the IMF's Board of Directors said in 1988 that it was "necessary to help member countries evaluate the consequences of IMF adjustment programmes on income distribution and poverty, to improve the IMF services' understanding of the mechanism by which adjustment policies affect the poor sectors of the population and to take greater advantage of the experience and skills of the World Bank and United Nations agencies".

94. As part of its international supervisory role, IMF has drawn attention to a series of questions involving problems of unemployment and the labour market in the industrialized countries, the economic advantages of reducing unproductive expenditures, institution-building and human resource investments in the developing countries and the social protection safety nets in the economies in transition. In addition, realizing that structural adjustments usually have short-term negative effects on the poorest and most vulnerable sectors of the population, IMF has advocated the adoption of certain palliative or corrective measures. Some are temporary measures, their purpose being to measure out or stagger the negative effects of adjustment. Others involve direct consumer subsidies, public works programmes, protection of public-sector social expenditures, support for small businesses, food security, etc. These palliative measures, however, have not much changed the critical opinions that most United Nations social and human rights agencies still hold on the undesirable impact of structural adjustment programmes on both sectors. This is reflected in Commission on Human Rights decision 1996/103, adopted at its most recent session, deciding to establish an open-ended working group of the Commission to elaborate policy guidelines on structural adjustment programmes and economic, social and cultural rights. The decision provides for the working group to meet for a period of one week prior to the fifty-third session of the Commission, in March 1997.

E. World Summit for Social Development

(Copenhagen, 6-12 March 1995)

95. The World Summit for Social Development, attended by nearly 100 Heads of State and Government, as many representatives again of various international organizations and over a thousand non-governmental organizations, was a landmark in the history of international relations. The Declaration and

Programme of Action adopted at the Summit invest social problems with importance similar to that traditionally attached to political, economic and security matters by the planet's leaders.

96. The 10 commitments of the Copenhagen Declaration on Social Development 40/ reflect a consensus on the importance of the social dimension of development. They also define poverty, unemployment and social exclusion as the three biggest social problems affecting mankind at the end of the century. In this connection, it should be noted that every world summit held in the last decade 41/ has made poverty and its eradication a central concern.

97. The main ideas of the Copenhagen document in the area that concerns us are the following:

(a) It is essential to create an economic, political, social, cultural and legal environment conducive to social development. Development must be durable, economic growth must be broadly based and the trade system must be equitable. When structural adjustment programmes are agreed to, they should include social development goals concerned in particular with eradicating poverty, promoting full and productive employment and enhancing social integration.

(b) Owing to the harmful effects of poverty on people's material and spiritual lives, its eradication from the face of the earth is an ethical, social, political and economic imperative. Extreme poverty is an offence to human dignity. It prevents the full enjoyment of human rights and places people in situations in which it is impossible for them to fulfil their responsibilities.

(c) There is an obvious link between poverty, on the one hand, and isolation and exclusion, on the other. Integration and social cohesion are best achieved in societies that are stable, secure and just, i.e. societies based on the promotion and protection of all human rights. For this reason, the poor sectors of the population should be duly informed of their rights and provided with the means of enforcing them, and communication to and with those sectors must be improved.

(d) Poverty, especially extreme poverty, is a multidimensional, multifaceted phenomenon that cannot be fought with economic measures only, but requires action in many different areas and the introduction of intersectoral policies.

(e) For reasons of effectiveness as well as justice, poor people must be involved in the preparation, implementation, follow-up and evaluation of programmes aimed at society as a whole or them in particular. They may participate directly or through associations able to represent them, and the establishment of such associations should be encouraged and supported.

(f) Recognition should be given to the role played by the family in the fight against poverty and as a factor of social cohesion.

(g) Both poverty and extreme poverty are found in all countries, although to differing extents. It is thus a disturbing trend to observe that increasing wealth for some is accompanied by a growing poverty for others.

(h) Lastly, a distinction should be made between poverty and extreme poverty, and a definition of the latter developed. The objective is to clarify thinking on the subject, for this will be both valuable and necessary when specific policies for the eradication of poverty are designed. At the threshold of a new millennium, the great achievement of the Copenhagen Summit is, for the first time in history, to have placed the eradication of extreme poverty among mankind's most urgent objectives.

III. A HUMAN RIGHTS APPROACH TO EXTREME POVERTY

98. International human rights law recognizes that each and every human right belongs to all persons without discrimination of any kind. Declaring discrimination unacceptable de jure and de facto, articles 2 of the Universal Declaration of Human Rights and of the two International Covenants explicitly condemn discrimination based on social origin or property. Despite this, when people living in extreme poverty are told about human rights, they say: "That is not for us!" In the case of people living in extreme poverty, the problem is thus the realization and exercise of these rights in their totality.

99. Following the methodology he was requested to adopt, the Special Rapporteur will rely in this chapter on information supplied by non-governmental organizations with long-standing experience of work in poverty-stricken areas in various parts of the world, the work of the seminar on extreme poverty and the denial of human rights, 42/ monographs relating to extremely poor families 43/ and meetings with very poor persons in open universities.

100. On the basis of these various contributions, the Special Rapporteur finds that the circumstances in which very poor people and families are forced to live have given them a keen sense of justice and dignity. "Is it right that I am denied housing? It is true that I cannot read, but is it right that the school does not want to hear my views on my children? Is it right that I was placed in an orphanage because our shanty burned down and my mother was out in the street? It is not right," one father tells us, "because I am a human being, too."

101. Like other population groups, poor people are no doubt unaware that they have human rights under treaties and can therefore claim redress if they believe that they have suffered a violation of one or more of the rights defined by those treaties. While they often fail to understand the language of human rights and the instruments which safeguard them, very poor people none the less have a clear idea of what rights should provide to ensure respect for the dignity of any human being. Hence there is a need to draw on their experience the better to understand and secure the foundations of human rights, especially as, by virtue of their permanent resistance to hardship, the very poor - those families, for instance, who invite other families from the streets into their own overcrowded dwellings - are de facto defenders of human rights. "We", they say, "do not leave people out in the street."

102. It was therefore essential as part of this study to compare and contrast international human rights law with how very poor people actually live. To this end, the Special Rapporteur reproduces a selection of testimony which he has found to be representative. His intention is not only to give a more telling picture of an acute shortfall in the realization and exercise of human rights in conditions of extreme poverty, but also to develop tools for a legal approach to the subject.

103. To pin down the links between extreme poverty and human rights, it is first necessary to examine some of the fundamental principles of human rights in the light of the experiences of very poor people. The report will then consider, but not exhaustively, several specific rights and how they interact.

A. Some fundamental principles of human rights in the light of extreme poverty

1. Human dignity and the principle of equality

(a) The equal dignity of all human beings

104. The Universal Declaration of Human Rights was the first international instrument to confer legal recognition on the concept of human dignity, which had until then been left to philosophers. It begins with the words: "Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world". This principle, then, served as the foundation and source of the rights recognized in the Declaration.

105. The reach of the Universal Declaration has been such that the principle of human dignity has made its appearance in many countries' legal systems, giving rise to legislation and jurisprudence based upon it. 44/

106. At the international level, this principle of human dignity appears in resolutions on human rights and extreme poverty adopted by the General Assembly, the Commission on Human Rights and the Sub-Commission. The World Conference on Human Rights also identified extreme poverty as a "violation of human dignity".

107. The fact that "recognition of the inherent dignity" are the first words of the Universal Declaration is reason enough, therefore, to begin this discussion by invoking the principle. In support of this approach, the Special Rapporteur notes that not a single testimonial from people in extreme poverty omitted to emphasize affronts to their inherent dignity as human beings.

108. Very poor people often say, "It is not right that we are treated like this - we are human beings, after all. We feel as though we are dogs. But the dog kennels in the centre of town have water and electricity, and we do not. That is really an injustice."

109. These affronts to dignity follow people living in extreme poverty to the very end of their lives, as witnessed by the following incident reported by a social worker. In a shanty town in Latin America, a woman had illicitly taken in her sick brother when he came out of hospital. When the landlord found out

that the man was dying, he threatened eviction unless the man was taken out into the street, at night, so that he would not to have to pay for the body to be removed. The "unknown person" found dead in the street was therefore buried anonymously.

110. Such situations are so revealing of extreme poverty that the United Nations Development Programme (UNDP) has included among its indicators the inability of poor people to provide their dead with a decent funeral. It is impossible not to think here of Sophocles' Antigone, and recall that one of the first aspirations and civilized acts of human beings was to bury their dead in dignity.

(b) The principle of equality and non-discrimination

111. Article 1 of the Universal Declaration of Human Rights affirms that "all human beings are born free and equal in dignity and rights". International human rights law therefore establishes an intrinsic link between dignity and equality, and these two concepts together constitute the foundations of the principle of non-discrimination. This is a general principle unanimously established in the Universal Declaration and in all international human rights instruments. As will be seen throughout this chapter, people living in extreme poverty are nevertheless frequently victims of de facto or de jure discrimination which violates the principle of equality. Thus, for example, the principle of free movement of persons within the European Union expressly excludes those who cannot prove they have sufficient means not to require assistance by the host country. 45/

112. "Poverty", states paragraph 16 of the Copenhagen Declaration on Social Development, "too often result[s] in isolation, marginalization and violence"; and paragraph 19 of the Programme of Action underscores that poverty has various manifestations including social discrimination and exclusion. The Committee on Economic, Social and Cultural Rights has held that the principle of non-discrimination in access to rights is directly applicable whatever the level of resources available to States parties. 46/ The Committee on the Elimination of Racial Discrimination, for its part, has observed that poverty may be a factor exacerbating racial discrimination. 47/

2. A concatenation of misfortunes demonstrates the indivisibility and interdependence of human rights

113. The principles of indivisibility and interdependence were central to the thinking of the drafters of the Universal Declaration of Human Rights. They have been regularly reaffirmed since by the General Assembly, the Commission on Human Rights and the Sub-Commission, and by the World Conference on Human Rights in 1993 (Vienna Declaration and Programme of Action, para. 1.5) and the Copenhagen World Summit (Programme of Action, para. 15 (b)).

114. The Convention on the Rights of the Child explicitly recognizes this indivisibility by treating all human rights together in one and the same instrument. It is surely no accident that this concentration had at its core children, who, more than others, need special protection.

115. When extremely poor people discuss their situation, the message that most commonly emerges is that they are prey to a concatenation of mutually reinforcing misfortunes which become ever harder to overcome the longer they endure.

116. Describing everyday life at the seminar in October 1994 (see para. 99), one participant from Latin America said: "Without shelter, drinking water, electricity, adequate food, work, a minimum income or other resources, one simply cannot conceive of living a life in good health, having one's children go to school, participating in local activities, including annual festivities or even birthday parties, participating in any political process as citizens, or even having one's family life respected."

117. Several participants described their situation as a "vicious circle of poverty". One European participant illustrated this in the following terms: "When one lives in extreme poverty, without education, it is difficult to get work. Without resources, it is impossible to get decent housing or pay bills. Our family has no electricity, or even water. It is difficult for us to eat properly. My children find it difficult to learn in these conditions."

118. An African participant stated: "We always have to be thinking about our accommodation, the food we have to find for our children and for ourselves. We keep wondering what we are going to do to ensure that our children can grow up properly. All this is like a cloak of worry which covers us and prevents us from exercising any responsibilities."

119. Another African participant went further: "How can one talk of 'democracy' and 'human rights' when meeting basic human needs is a dream?" And one person from western Europe completed the picture by saying: "This all has repercussions for social life: we lose our freedom of movement; sometimes we have to hide; we dare not attend local celebrations or even exercise our rights as citizens."

120. Someone living in extreme poverty is not, it seems, a free individual: he is not in a position to exercise his public and individual freedoms. The two international covenants on human rights acknowledge that "the ideal of free human beings enjoying freedom from ... want can only be achieved if conditions are created whereby everyone may enjoy his economic, social and cultural rights, as well as his civil and political rights".

121. To ignore the fundamental principles of human dignity, equality and indivisibility of rights, of whose importance we are reminded by the experiences of the very poor, would be to compromise beyond redemption the meeting between the very poor and human rights advocates which the Commission has sought, through its successive resolutions and this study, to bring about.

B. Life in extreme poverty and its impact on human rights

122. As already indicated, the Special Rapporteur proposes here to examine, but not exhaustively, several fundamental rights and how they interact in the experience of people living in extreme poverty.

1. The right to a decent standard of living

123. Article 25 of the Universal Declaration affirms that "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family". This right is also recognized in article 11 of the International Covenant on Economic, Social and Cultural Rights, which places emphasis more particularly on "the fundamental right of everyone to be free from hunger".

124. In regions where famine is prevalent, the poorest people are the first victims since they have nothing in reserve. "We would like to eat and we have nothing to eat, we would like to drink and we have nothing to drink. We are two adults and six children sleeping in the house where I live. I am responsible for all of them. When God gives me a little corn, it is so rare that I have to eat some of it with them."

125. Many accounts highlight the fact that people living in extreme poverty rarely have access to this right to a secure existence. The pervasive insecurity makes any development project impossible. On the other hand, access to an adequate and regular income may be a veritable springboard. In one open university in Europe, a young woman on a minimum subsistence allowance spoke of it in these terms: "Before, we never knew how we would get through the next day. Since we have had a steady income to count on we have had the courage to try something different. Those of us who used to have absolutely nothing, no security, had to learn how to live with a fixed amount of money. Then they could start learning to read and write."

126. It is interesting from the legal standpoint to note that the Committee on Economic, Social and Cultural Rights 48/ has expressed the view that "a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and housing, or of the most basic forms of education is, prima facie, failing to discharge its obligations under the Covenant".

2. The right to housing

127. Article 11 of the International Covenant on Economic, Social and Cultural Rights establishes that everyone has the right to adequate housing for himself and his family. This right is pivotal in that it is also a means for the realization of other fundamental rights. Thus, for example, the Committee on the Rights of the Child has qualified the right to housing referred to in article 27 of the Convention as an essential component of the right to a standard of living adequate for the child's overall development. 49/ Also, the Committee has recalled the importance of the universality and interdependence of human rights, and decided to monitor the implementation of the right to housing of children in the light of the implementation of general principles of the Convention, namely the right to non-discrimination (art. 2), the best interest of the child (art. 3), the right to life (art. 6) and the right to participation (art. 12).

128. The housing of very poor people, when they have any, tends to be insecure. These dwellings, built with salvaged or low-quality materials, with no running water, sewerage or electricity, or low-cost housing projects, are often located in unhealthy environments, close to polluting industrial zones or railways. In one large western metropolis, a wall separating a very poor residential area from a high-speed railway line bears a plaque that reads: "In memory of the 11 children of our area who suffered for society's lack of understanding. They paid with their lives for the absence of a wall such as this, which had been demanded for 13 years".

129. The insecurity of housing for the very poor may also stem from legal or arbitrary evictions or inability to pay even a minimal rent regularly.

130. The dwellings of the very poor are almost always a long way from basic services or in isolated hamlets in the mountains or countryside. A doctor working with very poor people recounted: "A little girl came to the village health clinic for some medicine. She waited a long time patiently for someone to attend to her. Just before leaving, she told me that she had to hurry back because there was only one pair of shoes for her and her mother and she had put them on to go to the village. And it was a long way from the clinic to where she lived in the mountains."

131. In these conditions, 50/ very poor families tend to live unstable and sometimes wandering existences, for many situations show that they lose the basic security of a home more often than others.

132. Poor housing also has a major impact on health and employment. An Asian man put the situation well: "Ours is a wandering life. We go from slum to slum, living beside rubbish dumps, under bridges, in cemeteries or even in the streets. Living this way, it is extremely difficult to get health care. What is more, you have to take odd jobs that are particularly arduous and damaging to your health."

3. The right to education

133. Article 26 of the Universal Declaration sets forth the right of everyone to education, which "shall be free, at least in the elementary and fundamental stages". This right is also set forth, in greater detail, in articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights. It is an important area of the Convention on the Rights of the Child, and is the main focus of the activities of UNESCO. The World Declaration on Education for All, adopted at Jomtien (1990), furthermore affirms, in article 1, that "every person - child, youth and adult - shall be able to benefit from educational opportunities designed to meet their basic learning needs".

134. Education is undeniably one of the most effective ways of breaking the vicious circle of destitution. It provides knowledge and training, offering a better future and more control over one's life. Despite the efforts made in recent years by most States, however, it all too often remains inaccessible to those who live in abject poverty.

135. The precariousness of housing and the wandering existence that sometimes results hinder regular school attendance and hamper children's intellectual and physical development through lack of stability, lack of space, an unhealthy environment, overcrowding, noise, etc. The problems associated with not having a legal residence or identity papers are also a cause of non-enrolment. A monograph about an Asian family establishes a direct link between inability to arrange proper schooling and the question of residence: "As the family dwelling is built on squatted land, it cannot be considered a legal residence and, in this country, without a legalized link with the land neither property nor people can legally exist. As a result, the mother cannot obtain a residence certificate that would entitle her children to go to the public school."

136. Insufficient family income often means that children have to join in the daily quest for family subsistence or work outside the home, and this reduces their availability for learning and sometimes prompts them to leave school or live in the streets. Parents' commonly low levels of education or illiteracy make it impossible for them to help with school work. Lastly, children are sometimes rejected or discriminated against at school on account of their social origins. "My children are treated badly at school, insulted and left out of school outings because we cannot pay for them. They are always at the bottom of the class. My children have been marked for life by this experience", says one witness.

4. The right to work

137. Article 23 of the Universal Declaration sets forth the right to work. Articles 6, 7, 8 and 9 of the International Covenant on Economic, Social and Cultural Rights also recognizes the right of everyone to work, under just and favourable conditions, earning an income and a decent living for themselves and their families, as well as the right to social security.

138. For very poor people without housing, education or training, finding a job is wellnigh impossible. Living without a recognized address or in disreputable or outlying districts is a major handicap. When very poor people do find work, it is, because of their lack of skills, very often insecure, detrimental to health, and too poorly paid to guarantee an adequate standard of living, far less offer any security for the future. Moreover, such work is generally not highly regarded.

139. One piece of testimony from Latin America gives an idea of the link between housing and work: "Because I have no job, I cannot get housing. I find myself in a vicious circle, with no chance of getting out. I am looking for work, but whenever I apply, the answer is: 'next week'. It is always 'next week', but that never comes."

140. These difficulties create a sense of humiliation and uselessness, and the resulting loss of social and self-esteem can even lead to the break-up of the family unit. One man testifies: "I love my family. Every day I used to leave home early and look for work so as to provide for my wife and children. All my efforts were in vain. When I came home in the evening, they had

managed, I don't know how, to find something to eat. The food stuck in my throat. I felt useless, and what was more, I was taking away some of the food they had earned. I was a burden on them, and that is why I left."

141. Very poor people are thus unable, as emphasized in paragraph 9 of the Copenhagen Declaration of the World Summit for Social Development, "to contribute to the well-being of their families, their communities and humankind".

142. ILO and UNICEF activities reflect the extent of child labour worldwide. Child labour is an immediate consequence of the extreme poverty in which the parents live. The great majority of these juvenile workers are exposed to conditions tantamount to slavery, that constitute a denial of human rights, in particular of articles 4 and 5 of the Universal Declaration of Human Rights. The conclusions of the Sub-Commission's Working Group on Contemporary Forms of Slavery and of the bodies monitoring implementation of ILO conventions provide a great deal of relevant information in this regard. 51/

5. The right to health

143. This right is recognized in article 25 of the Universal Declaration of Human Rights. It is described in article 12 of the International Covenant on Economic, Social and Cultural Rights as "the right of everyone to the enjoyment of the highest attainable standard of physical and mental health". The right to health is the focus of the activities of the World Health Organization which has launched a programme entitled "Global Strategy for health for all by the year 2000" and demonstrated the impact of extreme poverty on health dramatically in its 1995 report.

144. It has already been shown how living in extreme poverty exposes the very poor to serious health risks. Statistics also show that mortality rates are very high and life expectancy is considerably reduced among very poor populations. 52/ Pregnancy and childbirth are particularly risky and lack of money makes it generally difficult to get medical treatment. Health services are frequently inaccessible, inadequate and ill-equipped. In addition, the very poor worry about the potential repercussions of medical treatment on other aspects of their lives. One person stated "In my building there is a lady who is in poor health. She has a lung problem and doesn't want to get treatment because her husband can't take care of their four children on his own. She is afraid that the children will be placed in an institution if she goes to hospital."

145. The poorest population groups are also shown to be those least often covered by vaccination campaigns although they are the ones most exposed to disease.

6. The right to protection of the family

146. Article 16 of the Universal Declaration states that "the family is the natural and fundamental group unit of society and is entitled to protection by society and the State". Protection of the family is also mentioned in most international human rights instruments, including articles 7 and 10 of the International Covenant on Economic, Social and Cultural Rights and article 23

of the International Covenant on Civil and Political Rights. The Convention on the Rights of the Child refers to it as "the natural environment for the growth and well-being of all its members and particularly children". In paragraph 9 of its Declaration, the Copenhagen Summit also states that one of the main aims of social development is to provide all men and women with the means to exercise the rights and discharge the responsibilities that enable them to contribute to the well-being of their families.

147. Firsthand accounts from various parts of the world illustrate, however, the extent to which living in poverty threatens family ties. Families constantly faced with material, administrative and other problems and the dignity and health of whose members are often under threat, can disintegrate at any moment: parents, particularly fathers, sometimes have to look for work far from home and children can be removed and placed with another family or in an institution, or are sometimes forced to go away to find work or to live in the street. Homelessness can also have repercussions on the cohesion of the family unit, as illustrated by this account from Asia: "Sometimes one of the children goes out begging, which is an offence in this country. One evening, he is arrested by the police and sent to a juvenile correctional home. His mother goes to visit him regularly. She can't take him away because she has no residence certificate. She will have to get the full support of other residents of the shanty town to have herself and her children put on the residence certificate of her own mother, who is herself registered on the certificate of a friend. Only then can her son go back to his family."

148. This example shows the extent to which gestures of solidarity among persons living in extreme poverty can sometimes help to preserve family bonds.

149. By contrast, assistance provided by official social services is sometimes seen as an obstacle to the assumption of family responsibilities. A woman in North America, for example, states: "I was in a shelter with my children. I was so closely watched by the social services that I did not dare do anything. I did not dare scold my children when they were naughty. If they heard us shouting, someone from the child welfare office would come to see what was happening. ... I was so afraid that my children would be taken away from me that I did not dare do anything. I could only really begin to carry out my responsibilities as a mother when I left the place and got a flat. My son was then eight years old."

150. Threats to family life are particularly serious, as is illustrated by the accounts received, in that the family is often the only bulwark against poverty and exclusion and the first line of resistance to them. "A person could be totally cut off from his or her family and social milieu. The isolation was very painful, for the family was the last protection against total misery", to quote an account from Eastern Europe.

7. The right to privacy

151. This right is embodied in article 12 of the Universal Declaration and in article 17 of the International Covenant on Civil and Political Rights.

152. However, the accounts received illustrate, if further proof is necessary, just how unrealistic it is to speak of this right in reference to people

living on the pavements of large cities, who have no fixed abode or live crowded together in shanty towns or tiny one-room apartments.

153. Action by the social services can be seen as arbitrary invasion of privacy. "When you live in poverty, they sometimes tell you, 'If you stay with your husband - or your wife - we will find another home for your children.' They have no right to say that. My wife and I have done everything, even lived apart, to stop them touching our children. We even made a statement to the police to prove it, even though we are not married! What right have they to do that?"

154. This invasion of the privacy of very poor families knows no bounds. It is not unusual, for example, for pressure to be exerted on young women to limit the number of childbirths or to give up their children; in some cases, they are even officially sterilized or forced to have abortions. "I was in a hostel when I found out I was pregnant. I went to the doctor and he gave me a medical certificate. At the hostel they said that they would hold a meeting to decide whether I should have an abortion or keep the baby."

8. The right to recognition as a person before the law and to be registered

155. These rights are recognized in article 6 of the Universal Declaration and articles 16 and 24 of the International Covenant on Civil and Political Rights, and their enjoyment is a prerequisite for the realization of many other rights.

156. Exercise of the right to "be registered immediately after birth ... have a name" (art. 24) may be impeded by the lack of a legal domicile, which is an obstacle to civil registration. The fact of not being registered makes it extremely difficult to obtain the papers necessary to prove parentage, to marry, to exercise political rights, to be able to travel freely within and outside national frontiers, to stand surety before the courts, to obtain employment, to benefit from social services, to avoid being imprisoned, etc. Difficulties of this kind were in fact encountered by seminar participants, and even prevented some individuals from attending.

157. Because they are not officially registered, therefore, many children and adults living in extreme poverty have no legal existence and thus enjoy no rights or protection.

9. The right to life and the right to physical integrity

158. Article 3 of the Universal Declaration provides that "everyone has the right to life, liberty and security of person". The "inherent right to life" of every human being is similarly protected by article 6 of the International Covenant on Civil and Political Rights, article 9 of which also embodies the right to liberty and security of person. Article 6 of the Convention on the Rights of the Child also refers to the child's inherent right to life.

159. However, the living conditions of persons in extreme poverty are such that eminent jurists 53/ are currently debating, in connection with

poverty, whether "treatment can be considered inhuman and degrading not only by virtue of physical violence and torture, but also at the psychological level, in terms of respect for human dignity".

160. The lives and physical integrity of children living on the street are continually threatened by drugs, prostitution which can lead to AIDS, violence of all types, kidnapping, detention, murder, etc.

161. For its part, the Human Rights Committee has stated: "The expression 'inherent right to life' cannot properly be understood in a restrictive manner, and the protection of this right requires that States adopt positive measures. In this connection, the Committee considers that it would be desirable for States parties to take all possible measures to reduce infant mortality and to increase life expectancy, especially in adopting measures to eliminate malnutrition and epidemics." 54/

10. The right to justice

162. Articles 10 and 11 of the Universal Declaration proclaim the equal "right to the law" of all individuals and the general conditions for its exercise. Articles 14 and 15 of the International Covenant on Civil and Political Rights embody and define this same right.

163. The available evidence points, however, to an actual denial of the "right to the law" of persons living in extreme poverty. There are a number of obstacles barring access to justice for the very poor, including:

(i) their indigent condition;

(ii) illiteracy and lack of education and information;

(iii) the complexity of procedures;

(iv) mistrust, not to say fear, stemming from their experience of the justice system. Whether they are defendants or accused, they often see their petitions turned against them: "There is a strong possibility that they would be reproached with some unlawful aspect of everyday life quite unrelated to the grounds for the petition; the poorest have learned that, in seeking their due in a given matter, it is often preferable not to be in the wrong in some other respect"; 55/

(v) the slow pace of justice, although their petitions more often than not relate to very sensitive aspects of life (return of children, for example) which need to be dealt with rapidly;

(vi) in many countries, the fact that they are not allowed to be accompanied or represented by solidarity associations which could also bring criminal indemnification proceedings.

164. Another aspect which is beginning to assume dramatic proportions is the impunity with which the most fundamental human rights of persons living in poverty and on the fringes of society are violated. For example, in a

number of countries, particularly in Latin America, many persons known as "expendables", such as children and vagrants, are killed by death squads with complete impunity. The Inter-American Commission on Human Rights has received a number of complaints of such incidents. 56/ The Special Rapporteur believes it is urgent for the Sub-Commission, and in particular the Special Rapporteurs on impunity, to study this new form of gross human rights violation.

165. This impunity also exists on a different scale in the industrialized countries, where it takes the form of difficulty in gaining access to justice. The Weiss case referred to by the Special Rapporteur in his previous report 57/ shows that if the very poor cannot be supported and represented in the courts by associations, violations of their human rights go unpunished.

11. The right to take part in political affairs

166. Article 21 of the Universal Declaration proclaims the right of everyone "to take part in the government of his country, directly or through freely chosen representatives". This provision is taken up and amplified in article 25 of the International Covenant on Civil and Political Rights, which also proclaims the right of everyone to vote and to be elected and to have access to public service in his country.

167. It has already been seen that vagrancy and lack of civil registration are major obstacles to the exercise of this right. Illiteracy, lack of education or even social discrimination also represent major obstacles to the responsible exercise of political rights. "When I went to the polling office to be registered, they told me 'No, you've been in prison, you're not entitled to vote'. In fact, they were wrong, it was my father who had been to prison. When I went to the police station to have this corrected, they said 'Like father, like son', and they did nothing to enable me to vote."

168. The reports of election observers show that the very poor are more exposed than others to unscrupulous manipulation of freedom of choice, the very foundation of representative democracy.

169. In the future, in this as in other fields, the development of the information society to enable referendums, for example, to be conducted electronically, may create new forms of exclusion among the poorest and least educated population groups. 58/

12. The right to participate in social and cultural life

170. Article 22 of the Universal Declaration provides that "everyone ... has the right to realization of social and cultural rights indispensable for his dignity". Article 15 of the International Covenant on Economic, Social and Cultural Rights also proclaims the right of everyone to take part in cultural life.

171. However, persons living in extreme poverty are sometimes turned away from places of culture, as illustrated by the account of an individual working with very poor families: "I had planned to take a group of children to the zoo. This was a treat for the children, but when we arrived, we were refused entry

because of the 'appearance of the children'." Because of such affronts, persons living in extreme poverty are reluctant to take part in social and cultural life, or even in local festivities (see para. 119 of this chapter).

172. Culture is therefore not a "supplement" to be enjoyed when all other rights have been realized. "Culture is the possession of knowledge which enables the individual to be independent, to make his way through life and to be able to reflect", according to the members of an open university; "it is also what unites us with others, something we can bring to others, something we learn about each other and which enables us to respect one another".

173. Restoring the right to culture in areas of great poverty is thus an essential dimension of the fight against poverty. This is what is meant by UNESCO's constant plea for the "cultural dimension of development". 59/ Cultural activities enable us to develop new relationships with the very poor, to benefit from their experience and learn about their expectations and thus come to genuinely recognize them as human beings with abilities to be cultivated, their own ideas to share and their own responsibilities.

174. It is against this background that the Copenhagen World Summit for Social Development affirmed the absolute need to find a new balance between economic development, social development and cultural development, stressing how closely linked fundamental human needs are in fields as varied as health, water, education, employment, housing and participation in cultural and social life.

C. Criteria for a juridical definition of extreme poverty

175. From the above analysis of what it is like to live in extreme poverty and its impact on human rights in general, it is quite clear that there are a number of basic factors which must be taken into account in any legal approach to the question of extreme poverty.

176. Firstly, extreme poverty involves the denial, not of a single right or a given category of rights, but of human rights as a whole. The foregoing analysis shows the extent to which poverty is a violation not only of economic and social rights, as is generally assumed from an economic standpoint, but also, and to an equal degree, of civil, political and cultural rights, and of the right to development. Extreme poverty is thus a particularly clear illustration of the indivisibility and interdependence of human rights.

177. The foregoing analysis shows that life in extreme poverty consists of an accumulation of mutually reinforcing misfortunes: poor living conditions, insalubrious housing, unemployment, ill health, lack of education, marginalization, etc., a veritable "horizontal vicious circle" of poverty, to use the words of those concerned.

178. This observation raises two questions which should always be borne in mind. Firstly, from a legal standpoint, the substantive question is not the "recognition", but the real and effective "exercise" of all human rights and fundamental freedoms by the extremely poor. Secondly, the indivisibility and, most of all, the interdependence of human rights demonstrates the extent to which, in a negative concatenation like that described above, deprivation of

one right can have repercussions on the exercise of the rest. This serves to forewarn us that the restoration of any right in isolation is not enough to ensure that persons living in extreme poverty will be able to exercise all their rights to the full.

179. Another, equally malign factor is the clear tendency of the phenomenon to perpetuate itself by being passed on from one generation to the next. This trend, which has been the subject of numerous investigations at various times, is clearly reflected in the monographs made available to the Special Rapporteur which describe the life of a single family over a number of generations. It is surprising to see how poverty perpetuates itself and becomes increasingly difficult to escape from. This represents a veritable "vertical vicious circle" of poverty. 60/

180. Lastly, the most acute social consequence of poverty is the exclusion and, in many cases, stigmatization of the poor. While exclusion can occasionally lead to poverty, poverty always leads to exclusion.

181. Because of these characteristics, the traditional criteria applied in defining and dealing with the problem of poverty and extreme poverty are clearly inadequate for the more integrated and comprehensive approach called for in the Special Rapporteur's mandate. Accordingly, the approach proposed in this report comprises at least three features, namely:

(i) Firstly, an examination of each and every sphere in which the effects of poverty are felt (economic, social, political, civil, cultural, etc.);

(ii) Collection of information from the people living in such conditions themselves, who are normally not consulted even about studies or programmes aimed at them. This is indispensable, not simply because it is an intrinsic requirement of any human-rights-oriented approach, but because it is otherwise impossible to understand the internal dynamics of poverty; and

(iii) Without it, no proper study can be made of the extent to which each misfortune exacerbates the others until the state of extreme poverty is reached.

182. In other words, the aim of this method is not to measure what people earn, but to find out what really happens to them. Consequently, we cannot do without the people themselves if we are ever to find out how much and what they are suffering - for the very simple reason that it is the people themselves that we are interested in.

183. With regard to the criteria for a definition, it should be borne in mind that, not only do the various misfortunes have undesirable effects on each other (the concatenation of misfortunes) but, as they increase and intensify, exclusion becomes worse, insecurity is accentuated, the possibility of actually exercising human rights diminishes and the difficulty of assuming one's own responsibilities increases. At the point where these insecurities

become acute and never-ending, so that the whole of the individual's existence is dominated by this host of deprivations and misfortunes, we find the implacable face of extreme poverty.

184. This accumulation of misfortunes and deprivation in health, education, housing, participation, etc., which continually plagues the lives of those enduring extreme poverty, has a precise and clearly defined name in standard legal terminology: absolute denial of the most fundamental human rights.

185. As noted in his first methodological report, it has not been the Special Rapporteur's intention to submit a precise definition of extreme poverty for the approval of the Sub-Commission. However, in view of the Copenhagen Summit's request to States to arrive at a definition of absolute poverty, if possible by 1996, as part of the implementation of the Programme of Action, the Special Rapporteur submits for consideration the definition suggested in his methodological report, accompanied by a few brief comments (see annex III).

IV. HUMAN RIGHTS FOR ALL AS A UNIVERSAL OBJECTIVE AND AS A MEANS OF ERADICATING EXTREME POVERTY

A. Poverty is the new face of apartheid 61/

186. Paradoxical though it may seem, one of the main challenges facing the Special Rapporteur in the course of this study was to ensure that its reliance on description, valuable and irreplaceable as it is, should not misrepresent the message or the experience of people living in extreme poverty. In other words, how can the wretched living conditions, the sufferings and, above all, the degradation poverty produces in human beings be accurately described without suggesting that those who have sunk into poverty are doomed never to escape from it or, worse still, that they have become something less than human, thus unwittingly helping to propagate racist or xenophobic arguments? It is a dilemma: how can the most dreadful aspects of abject poverty be illuminated without pandering to those who look askance at the poor?

187. The Special Rapporteur therefore decided to take as a reference similar situations illustrating how different kinds of discrimination intermesh. Apartheid is one example. What did the racist colonialist regime of South Africa do to justify its policy of social exclusion and immoderate exploitation of coloured people? The means it used to attain its ignoble objectives was deliberately to deny non-Whites their economic, social, political, cultural, etc. rights on the racist grounds (frightening as it is to recall) that they did not need the same conditions as other human beings. Slavery did something similar. Beyond the strictly economic and practical considerations underpinning the two systems, the ideological basis was similar: a slave was not regarded as human and therefore had no rights. 62/

188. What makes these situations similar is not just that each involves a flat denial of rights, but that both are so difficult to describe. For example, if we describe the terrible consequences of slavery and the degradation to which it could lead, someone may conclude - as the slavers did - that a human being so degraded was in fact an object, and therefore did not merit the same

treatment as a human being. Yet it was the struggles of the slaves themselves and the ideals of humanitarian thought that won recognition of the fact that all human beings were of equal worth, and revealed the human being within the slave. A creature that the slavers had previously regarded as an object could then be seen - in so far as he was able to exercise his rights on an equal footing - to become human in all respects, even by those who denied it. We have also seen how, once the coloured people of South Africa won recognition of their human rights and fundamental freedoms, joined forces with those who had excluded them to set in motion one of the most original and exemplary political processes this century, rapidly leaving all trace of apartheid, that modern form of slavery, far, far behind them.

B. Towards a new understanding of extreme poverty

1. The need for a change of viewpoint

189. The first part of the previous chapter sought to pin down how, and how badly, extreme poverty affects the people and families who must endure it. Here the task is, at first sight, less complicated: analysing how others (i.e. the rich but also the poor, whose views surprisingly are not so different), perceive people who live in extreme poverty.

190. Any objective discussion must, however, start with an admission - the poor are a sector of the population we know nothing about; worse we do not know how little we know. If we are forced to it, we have to acknowledge how hard we have tried not to know. The huge walls around the suburbs in many of the world's great metropolises (which, by the way, cost far more than the countless dwellings they conceal are worth) show it. Charles Booth, who founded the Salvation Army last century, wrote: "the rich have drawn a curtain over the poor, and on it they have painted monsters".

191. The second thing we must admit is that when we know anything at all about people who live in extreme poverty it is normally very little and usually wrong. The view our societies take of such people is predominantly disparaging and prejudiced: a mixture of fear the contempt. The poor are generally held responsible for the situation in which they find themselves, and believed to be incapable of improvement. They are, people believe, doomed to live in poverty (it is this belief that in fact condemns them), as if becoming or remaining poor were a matter of choice.

192. If we rise above the barriers of ignorance and the prejudices that cloud our understanding and cross the threshold into this highly complex milieu we shall discover a world with which we are unfamiliar, and where most of our answers are wrong - in some cases they may be extremely harmful. This is the conclusion that emerges from the testimony of a well-educated person who, having spent many years in poverty-stricken areas with extremely poor families, offers a striking list of the inappropriate responses they generally encounter:

> "(a) This is an extremely vulnerable population group which should not be subjected to ill-considered interference for fear of destroying the fragile balance on which its survival depends. It is more sensitive than others to mistakes and failures.

(b) You must realize that their experience is not like other people's; the means they use to survive from day to day seem inconsistent to those who can plan for the longer term. But these are all they have to hang on to, and beyond them there is nothing, so they cannot be abandoned in favour of plans they have made no lasting human investment in.

(c) A population group absorbed in the nitty-gritty of survival, whose memory and history are fogged by suffering and exhaustion, is offered the same old emergency responses time after time with no regard for consistency, and with no effort to fit them into a time span and a history that might help them get their bearings and illuminate the future.

(d) A population group frittering away its energies in coping with its many hardships is offered piecemeal, ad hoc responses which take no account of its efforts and make it impossible to instil some order into its existence.

(e) A population group which is driven by the inconsistency of life in extreme poverty to act illogically, even hostilely, will be given an illogical response if that suits us.

(f) A population group in which abject poverty all too often breaks family and social links, whose members can have only a fragmented view of their situation, will be dealt with in parts, case by case, problem by problem, individual by individual, thus accentuating the separations and divisions.

(g) A population group trapped in poverty and dependency will be subjected to repeated interference, public supervision and projects designed, implemented and evaluated without it."

2. Making the most of efforts by the very poor

193. It is surprising and moving to observe that, even within this world of uncertainty, adversity and misfortune, people make touching gestures of generosity to help conserve family links or assist others in the same situation. In every case these gestures reveal a fighting spirit, albeit one that results in small achievements, occasional triumphs and many defeats. It is these achievements, insignificant though they seem, these many battles lost every day which in their own way show (in the wordless language of those who for the most part have not learned to use words) that there is a fight going on, a challenge, an effort, a struggle silently and imperceptibly perhaps but with an intensity and persistence that allow millions and millions of people to face up every day, throughout their lives, to the terrible grind of poverty.

194. UNICEF, which is intensely active in this area, confirms this: "Those at the sharpest end of the problem of absolute poverty - the poorest quarter of the world's people - are occupied almost every waking hour of every working day in the struggle to meet *the basic needs of their families*." It is

essential to support the efforts of the extremely poor, who "will continue to struggle, as they have always done, to meet most of their own needs by their own efforts". 63/

195. Without understanding this struggle, this constant repudiation, it would be impossible to dispel the fatalist view of poverty. Moreover, without making the most of these efforts and, above all, basing our own efforts on them, we will find it hard to help those who live in abject poverty escape from its embrace.

3. How to reach the poorest

196. Chapter I showed that the extremely poor are the part of the population least well covered by statistics. Much the same might be said of social policies and other basic services (health, education, family planning, etc.) which the poor generally lack: such services are not directed at them, or are inappropriate or inaccessible. But because extreme poverty and social exclusion are growing worse and traditional social policies, mostly benefits-based, have been a chronic flop, rarely reaching the poorest sectors and offering them nothing of lasting value in escaping from their situation, other ways of coming at the problem have begun to gain acceptance.

197. A recent UNICEF publication, "Reaching the Poorest", contains a very interesting assessment of the activities of small local non-governmental organizations and of ATD Quart Monde in various poverty-stricken areas on different continents. Its importance lies in the fact that, besides discussing seven specific instances, it emphasises the steps that need to be taken and the kind of relationship that needs to be established in order to arrive at a qualitative understanding and the kind of mutual trust that will enable people to join a community project or become involved in some other activity which provides them with a means of escaping from poverty.

198. The watchword in this method of reaching the poorest is that nothing can be done "for" them unless it is "with" them. The poor must be associated in designing, implementing and evaluating programmes. Even before programmes are drawn up, some kind of contact with the field is necessary so that from the start something is known about the poorest groups and the needs of the entire community. Another important element is direct contact with families, essential for forging a bond of trust based on mutual acquaintance, and this must be maintained over time and give some appearance of being likely to last.

199. An important aspect of this approach is how human relations are taken into account in constructing a project with people, families and groups living in great poverty. It may be observed that such persons are particularly sensitive about joining projects which directly concern the family and forge links with the surrounding community.

200. There are two important clarifications to be made here. First of all, in the method presented by UNICEF, the expression "the poorest" is not used to denote the category of population on the extreme outer edge of poverty, even if it often means just that. The expression "the poorest" denotes the hardest people to reach within a poor community. Secondly, rather than being a description, "reaching the poorest" indicates a step to be taken. Who are the

poorest? Why are they not reached? How can they be reached? Such a step makes it possible to plan for community development that excludes no one.

201. UNDP, in its remarkable policy paper Poverty Eradication: A Policy Framework for Country Strategies (1995), sets out methodological guidelines and action priorities for eradicating poverty, emphasizing a number of the considerations mentioned in the foregoing paragraphs. It begins by stressing the need to measure poverty and offers methodological advice on how to do so. Measuring poverty involves two separate stages; first of all, people living in poverty must be identified and located. However poverty is measured, the identification exercise should suggest why certain groups and not others suffer from a particular hardship. UNDP believes that drawing up strategies to eradicate poverty requires careful identification of the target population and the inclusion in this "mapping" exercise of people's own perception of their situation.

202. This participatory approach vis-à-vis people living in poverty received considerable encouragement at the Copenhagen Summit: "People living in poverty and their organizations should be empowered by: ... encouraging and assisting people living in poverty to organize so that their representatives can participate in economic and social policy-making and work more effectively with governmental ... and other relevant institutions to obtain the services and opportunities they need" (Copenhagen Programme of Action, para. 28 (e)).

203. The Secretary-General voiced this concern directly to those involved on the opening of the International Year for the Eradication of Poverty: "To those in poverty I send this message. We are listening. We ask you to tell us how we can work to meet your aspirations; not for you, but with you". 64/

204. In conclusion, the fight to eradicate poverty requires not only detailed knowledge of the causes and factors which give rise to, aggravate and perpetuate it, but also of its impact on human rights and fundamental freedoms as a whole. As we have seen, it is essential to set in motion machinery for participation which involves the poorest at every stage of the policies devised to help them. Only thus can concrete and lasting results be achieved. Only as they rediscover their full range of rights and freedoms shall we see emerging in all their splendour the human beings behind the poverty-scarred faces.

V. RECOMMENDATIONS

A. Concerning extreme poverty in particular

205. In all the important documents of the past 10 years and particularly at the World Conference on Human Rights in Vienna and the World Summit for Social Development in Copenhagen, extreme poverty has been identified as a denial of human rights overall, and its eradication figures among the main goals and objectives. More recently, the declaration of the period 1997-2006 as the first United Nations Decade for the Eradication of Poverty echoes this perception of poverty and invites the entire United Nations system to play a decisive role in combating it. In concluding his study, the Special Rapporteur considers it opportune to make the following recommendations.

1. At the international level

(a) Decade for the Eradication of Poverty

206. Consideration of the phenomenon of extreme poverty and its impact on human rights as a whole should be a principal axis of the United Nations Decade for the Eradication of Poverty. Steps taken to achieve this objective should be evaluated in the light of the extent to which they have or have not reached the very poorest.

(b) Regular human rights bodies

207. The topic of extreme poverty should be put on the agendas of the General Assembly, the Commission on Human Rights and the Sub-Commission as a high-priority item.

208. The Sub-Commission, which has produced some useful thinking on these matters, should:

Continue to be the proper forum for keeping open a channel of communication between the experts and non-governmental organizations so as to permit a genuine exchange and follow-up of the question.

The Sub-Commission could also supplement its earlier efforts with a study analysing in detail the content, scope, enforceability and implementation of economic, social and cultural rights.

In the context of Mr. José Bengoa's study on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, the Sub-Commission could also help to improve quantitative indicators and develop qualitative ones for measuring poverty adequately and assessing its impact, particularly in areas or sectors of human priority.

Bearing in mind the immense contribution which non-governmental organizations daily and increasingly make both in development matters and in other social and human rights areas, it would be appropriate for the Sub-Commission, in close collaboration with the NGOs, to produce a study illustrating the range of their activities concerned with extreme poverty, the suitability of their working methods and the way they carry out programmes. This would enable better use to be made of their know-how and experience and allow more cooperation resources to be channelled through their field projects.

(c) Human rights treaty bodies

209. The bodies monitoring the implementation of international human rights treaties are recommended, when considering the reports of States or complaints (communications) submitted to them, to request specific information from Governments about their domestic policies and measures to allow the very poor to exercise the rights enshrined in the various instruments. This recommendation follows the increasingly widespread practice within those bodies, particularly the Committee on the Rights of the Child, but may be said

to be relevant in that the most substantial finding of this study is that abject poverty obstructs the effective exercise of all human rights.

210. Lastly, bearing in mind the enormous limitations that abject poverty imposes, the monitoring bodies should set up machinery to facilitate access by the poor through representative associations, so that they are in a position to assess objectively how far this particularly vulnerable sector of the population is really able to exercise its human rights. It goes without saying that when reports and communications are considered it is vital, given the indivisibility and the interdependence of human rights, to explore in depth how limitations on some affect the exercise or attainment of others.

(d) United Nations bodies and institutions

211. The responsibilities incumbent on bodies with specific competence in human rights apart, all United Nations bodies and institutions should take into account the dimension of human rights which encapsulates extreme poverty, both in drawing up their policies and strategies and in choosing their methods for eradicating it. Given the many facets of problems such as extreme poverty and social exclusion, as we saw in chapter II and in Annex I, the various components of the system bear a shared responsibility in as much as anti-poverty strategies pursued by some bodies or institutions may be hindered by the macroeconomic policy line supported by others. Inter-system cooperation is thus as necessary as an alignment of strategies in order to achieve the objectives of Vienna, Copenhagen and the Decade.

212. Another area where alignment must not be further delayed is that of indicators for measuring poverty. The wide range of criteria currently used internationally has a multiplier effect at the country level, creating very considerable uncertainties as to the accuracy of basic data on the social situation, as in the case of the magnitude of extreme poverty and whether it is growing. Apart from standardizing quantitative indicators, it is vital to progress in establishing qualitative indicators in order to gain a qualitative understanding of and approach to the problem.

(e) Technical and economic cooperation bodies and institutions

213. Many innovative ideas and proposals were put forward at the World Summit for Social Development in Copenhagen, but the most important one to mention here was that more human and financial resources needed to be earmarked for international technical and economic cooperation, so that substance can be given to the human rights aspects of the Declaration and Programme of Action. The Centre for Human Rights, given its specific nature, should be allowed to play a decisive role in technical cooperation throughout the Decade.

214. Due account should also be taken of the experience acquired in the field by non-governmental organizations, which have long been carrying out activities in poverty-stricken areas, and the qualitative understanding they have acquired from their closeness to the people and their time in the field.

(f) Role of education in human rights and public opinion

215. As has been seen throughout this study, certain cultural factors have a direct impact on the process of exclusion engendered by abject poverty and on the aggravation and perpetuation of poverty itself. Human rights education should thus be pivotal to long-term strategies to combat social exclusion and discrimination, and should incorporate a better understanding of the link between extreme poverty and human rights. The United Nations High Commissioner for Human Rights, who is responsible for coordinating the activities of the United Nations Decade for Human Rights Education, the Centre for Human Rights and UNESCO should pool their efforts to achieve this objective.

216. Lastly, the mass media have a decisive role to play in shaping a new cultural identity for mankind, free of prejudice and exclusion of any kind, and with much greater respect for human dignity.

2. At the national level

217. Bearing in mind that Governments are chiefly responsible for seeing that the commitments made in Copenhagen are honoured in their countries, the Special Rapporteur considers it appropriate to point out that, in order to achieve the social development goals agreed upon at the World Summit, the development model selected nationally must be broad-based, invite participation and ensure that the benefits of progress are spread fairly among all members of the community. Models based exclusively on achieving macroeconomic objectives, which aggravate the situation of the most underprivileged push up poverty indices and augment social exclusion, should be avoided. It has been proved that, if a development model is élitist and generates poverty and exclusion, the social policies applied thereafter will never succeed in offsetting the cost of the social deterioration it has caused.

218. To honour the commitments made in Copenhagen, Governments must draw up a definition of extreme poverty, improve conventional indicators and devise methods of measuring all forms of poverty, absolute poverty in particular. Action to eradicate poverty requires overall policies that address the various aspects of both. The elaboration of national anti-poverty programmes is thus recommended, and it would be appropriate for them to take the statutory form of a framework law with due provision for enforcement machinery. Action in each government sector (education and health, for example) can then be combined with action in others (the labour and social sectors, etc.).

219. These national programmes must go hand-in-hand with methods of implementation which guarantee that anti-poverty policies actually reach people they normally fail to reach, either because of the degree of social exclusion, because of their marginalization or because of their poverty-stricken existence. It should be borne in mind that the Copenhagen guidelines included the association of the poor in the preparation, implementation, follow-up and evaluation of programmes concerning them. It is also advisable for Governments to be able to draw on the know-how and experience of the non-governmental organizations which have long been working in poor areas. Hence it is vital to train social workers in order to ensure

encouraging results at the country level. Governments without the resources for this must resort to international cooperation, which ought to be able to offer such training under the heading of human rights education. The training should take account of the points discussed in this report and in "Reaching the Poorest", the UNICEF study mentioned above. It should also respect the guidelines that the United Nations may draw up to enable the very poor to enjoy all their rights to the full.

B. General policy proposal

220. As mentioned above, one of the merits of the Copenhagen Declaration and Programme of Action is that they recognize human rights as one of the components of social development. They explain that relieving poverty, and combating social exclusion and extreme poverty, the three main objectives of the Summit, are closely linked to the realization of human rights, a point which highlights the human rights dimension of the two documents.

221. Unlike the problem of unemployment, where ILO was identified as the key organization for achieving the Summit's objectives, neither the Declaration nor the Programme of Action is so specific about the form or machinery needed for international action on this dimension of human rights as set out in the two documents.

222. Clearly, that the follow-up to Copenhagen is a vital task for the United Nations bodies which regularly deal with human rights - the General Assembly, the Commission on Human Rights and the Sub-Commission. The Special Rapporteur feels, however, that the Commission should set up specific machinery to deal with the various human rights aspects of the Declaration and Programme of Action, which, like the findings of the Vienna Summit on extreme poverty and exclusion, mesh perfectly with the objectives of the United Nations Decade for the Eradication of Poverty.

Machinery for implementation

223. The Commission could appoint a special rapporteur, or give the task to a working group if it considers that the magnitude and complexity of the task require input from experts from different regions. Another possibility, probably the most appropriate, would be to entrust the task to the United Nations High Commissioner for Human Rights, who would be supported by regional experts appointed by the Commission.

Terms of reference

(i) Implementation

224. This machinery would exist essentially to carry out activities directly relating to the implementation of the human rights objectives set out in the Copenhagen Programme of Action and other keynote documents.

(ii) Harmonization

225. Internationally, numerous United Nations bodies and organizations, including UNDP, UNCTAD, ILO, UNICEF, the World Bank and IMF, are involved in

activities in this area. The machinery to be set up would have the task of promoting dialogue within the system in order to harmonize the policies and strategies of its component parts in all matters concerning their possible impact on the human rights environment.

(iii) Evaluation

226. Annual reports submitted to the Commission and the General Assembly by the Special Rapporteur, the working group or the High Commissioner would enable the progress of any implementation, cooperation and harmonization activities to receive regular consideration. They would also serve as a basis for the evaluation document on the attainments of the human rights objectives of Copenhagen to be submitted probably in 1998, and certainly in the year 2000, when the General Assembly will meet for that purpose.

(iv) International cooperation and technical assistance

227. Since the machinery is basically intended to further the objectives of the Copenhagen Summit, a large part of its input would comprise technical assistance to Governments, community bodies, etc. needing cooperation in order to attain these objectives.

(v) Cultural aspects

228. Once again, stress must be laid on cultural aspects and the positive impact that promoting human rights education would have on the achievements of the Decade and the objectives defined at Vienna and Copenhagen.

(vi) The Regional Commissions

229. Similarly, the United Nations regional commissions, which have carried out important studies of their respective areas and are working hard to combat extreme poverty, social exclusion, etc., could collaborate closely with the machinery set up.

(vii) Cooperation of non-governmental organizations

230. Lastly, non-governmental organizations must cooperate closely with the machinery established so that advantage can be taken of their experience.

231. This linking of implementation, harmonization, cooperation and evaluation will reveal the United Nations Decade for the Eradication of Poverty as a positive challenge, one which will at all times require much of our energy and creativity in order to persevere and prevail against the growing problems of poverty, unemployment, exclusion and extreme poverty - in other words, concentrate much more on people and on the well-being of all, in order to restore to development the social dimension and the human face it has so long lacked.

Notes

1/ See annex I.

2/ United Nations Human Rights Study Series, No. 1.

3/ E/CN.4/Sub.2/1992/16 (final report of the study).

4/ Father Joseph Wresinski is the founder of the international movement ATD Fourth World. Himself the child of a poor family, he founded the movement in the 1950s, with families living in a camp for homeless persons near Paris.

5/ See A/CONF.157/23.

6/ See A/CONF.166/9.

7/ E/CN.4/Sub.2/1994/19 and E/CN.4/Sub.2/1995/15.

8/ The Special Rapporteur uses this term throughout the report to denote the Open Universities - Fourth World which bring together very poor people and others in learning how to dialogue. The teaching competence of the very poor is recognized and enriched by the know-how and experience of the other members of society, as a result of preparatory work of reflection, analysis of experience and training in speaking.

9/ The term "fourth world" was invented by Father Joseph Wresinski with a view to giving a positive social identity to persons living in extreme poverty everywhere in the world.

10/ United Nations, Human Rights Study Series, No. 1.

11/ United Nations, Human Rights Study Series, No. 6.

12/ The Commission on Science and Technology for Development maintains that mankind and nature are also out of step; this gives rise to increasingly serious ecological problems, some of which affect regions remote from the countries in which they originate. Here, too, the question of basic needs arises since some of the most marked ecological deterioration can be seen in regions subject to extreme poverty. See also the paragraphs on the United Nations Environment Programme in annex II to this report and the final report of Mrs. Fatma Zohra Ksentini on human rights and the environment (E/CN.4/Sub.2/1994/9).

13/ A/CONF/177/20.

14/ See annex I.

15/ ST/ESA/235-E/1993/50/Rev.1.

16/ French review "Les enfants du monde", No. 128, 1996.

17/ Council of Europe, Intergovernmental Programme of Activities for 1995, Activity II.1b, Human Dignity and Social Exclusion, p. 77.

18/ Ezcurra Ana Maria. World Bank. "Políticas para el problema de las pobreza en el Sur," forthcoming publication.

19/ According to World Bank statistics, in 1985 the incidence of poverty in Latin America and the Caribbean was 19 per cent of the population. In a subsequent document, the Bank revised those estimates and raised the percentage for Latin America to 22.4 per cent in 1985 and 25.2 per cent in 1993.

20/ Julio Boltviink, former director of the UNDP Regional Poverty Eradication Programme, in 1994 applied a "poverty line" of $2 to the case of Mexico. As a consequence of that empirical comparison, he concluded that such a poverty line could be interpreted solely as a malnutrition line, below which one would be suffering from caloric malnutrition (with all other needs unmet). That is to say, the line would not mark off the universe of the poor, as had been the intention, but rather the population whose physical survival was endangered. That was why he added that the lower figure ($1) had no meaning, since at that level of income a person would be technically dead.

21/ See E/CN.4/Sub.2/1994/19.

22/ See TD/B/CN.2/2, para. 10.

23/ Para. 41.

24/ E/CN.4/Sub.2/1994/19, annex III.

25/ "Pour une justice accessible à tous: le regard des familles en grande pauvreté sur les mécanismes de l'aide légale et sur certaines initiatives locales." Council of Europe, Directorate of Human Rights, Strasbourg, 1992.

26/ A particular effort at improving indicators is proposed by Mrs. Katherine Duffy in the introductory report for projects of the Council of Europe, "Human dignity and social exclusion".

27/ "Growing points in poverty research: Labour Issues". Discussion paper by Michael Lipton (DP/66/1994), IILS, Geneva, 1994.

28/ Chapter VII of the Report on the World Social Situation 1993 is devoted to a study of the interrelationship between income distribution and poverty.

29/ See the UNDP annual Human Development Reports for 1991-1996.

30/ See Leandro Despouy, "New strategies in international cooperation", report prepared by the World Conference on Human Rights (A/CONF.157/LACRM/9).

31/ See "Technical cooperation with the Government of Paraguay in the sphere of human rights", document prepared by Leandro Despouy (E/CN.4/1994/78/Add.1).

32/ See "From Poverty to Equity: An Empowering and Enabling Strategy".

33/ See Juan C. Sánchez Arnau, "Recesión, ajuste estructural y pobreza rural en América Latina" (Recession, structural adjustment and rural poverty in Latin America), an FAO document.

34/ See, inter alia: Final report by Mr. Danilo Turk on the realization of economic, social and cultural rights (E/CN.4/Sub.2/1992/16); the successive reports of the Working Group on the Right to Development; the reports of the Secretary-General, in particular in document E/CN.4/Sub.2/1995/10, entitled "Preliminary set of basic policy guidelines on structural adjustment programmes and economic, social and cultural rights" and the report contained in document E/CN.4/1995/25. UNICEF's 1989 report, "Adjustment with a human face", is still valid today. Among the many resolutions on the subject, Sub-Commission resolutions 1991/27, 1992/29 and 1994/37 and Commission resolution 1993/14 are worthy of mention.

35/ According to the World Bank 1995 annual report, the Bank's education sector loans totalled over $2 billion for each of the last three financial years. During financial year 1994, 25 per cent of the Bank's total investment loans directly targeted the poor. In document A/CONF.157/PC/61/Add.19, prepared for the Vienna Conference, the Bank reported that nearly half its operations have a component linked to the removal of obstacles to women's participation in the economy.

36/ This trend is also to be observed in the various regional development banks. For example, the Inter-American Development Bank, IADB, managed to increase its annual loan capacity to $7,000 million with an undertaking that 40 per cent of the lending volume or half of its operations would be aimed at the social agenda, equity and poverty relief.

37/ See A/50/698, para. 34, and E/CN.4/1996/51.

38/ World Bank, Actualités, "La participation est efficace", 29 February 1996.

39/ All the material in quotation marks relating to IMF in this chapter has been taken from the IMF paper submitted to the Copenhagen Summit, entitled "Economic policy dialogue with the IMF: the social aspect".

40/ Briefly, these are: (1) to create the appropriate economic, political, social, cultural and legal environment for achieving social development; (2) to eradicate poverty; (3) to promote full employment; (4) to

promote social integration; (5) to ensure equality and equity between men and women; (6) effectively to ensure equitable access to quality education and medical care to everyone; (7) to accelerate the development of Africa and the least developed countries; (8) to ensure that structural development programmes include social development goals; (9) to increase significantly the resources assigned to social development and (10) to strengthen the framework for international cooperation for social development, through the United Nations.

41/ Viz. the United Nations Conference on Environment and Development, held at Río de Janeiro from 3 to 14 June 1992; the World Conference on Human Rights, Vienna, 14 to 25 June 1993; the International Conference on Population and Development, Cairo, 5 to 10 September 1994 and the Fourth World Conference on Women, Peking, 4 to 13 September 1995.

42/ This seminar, held from 12 to 14 October 1994 at United Nations Headquarters, New York, brought together some 40 people from around the world. It was attended, on an equal footing, by people living in extreme poverty and persons committed to their cause, experts on extreme poverty and human rights issues and representatives of intergovernmental and non-governmental organizations. The aim of the seminar was to improve knowledge of the conditions of life and thinking of individuals and families living in extreme poverty. It was an important part of the direct consultation undertaken by the Special Rapporteur. (See E/CN.4/1995/101.)

43/ These family monographs are the product of a methodology that makes it possible to follow the history of families living in extreme poverty over several generations. The Special Rapporteur has relied in particular on the monographs included in the work Est-ce ainsi que les familles vivent? (Editions Quart Monde, Paris, 1994). Two summaries of such family monographs were annexed to the second interim report (E/CN.4/Sub.2/1995/15, annex II).

44/ Cf. "Pour une analyse juridique du concept de 'dignité' du salarié", Olivier de Tissot, Revue française de droit social, December 1995. This article describes the appearance of the concept of dignity in the French codes and jurisprudence.

45/ In this connection, see petition 240/1991 submitted to the European Parliament by Mrs. C. Lepied.

46/ The Committee on Economic, Social and Cultural Rights, when considering the reports of States parties, recognizes that factors relating to the national economies of States, including the lack of adequate resources, may impede the implementation of the International Covenant on Economic, Social and Cultural Rights. However, the Committee, in its General Comment No. 3 on the nature of the States parties' obligations arising under the Covenant, notes that the Covenant imposes various obligations which are of immediate effect and not subject to constraints due to the limits of the resources available to the States parties. Among these immediate obligations, the Committee notes, are the "undertaking to guarantee" that relevant rights

"will be exercised without discrimination" and "to take steps" towards the goal of progressive achievement of the full realization of these rights.

47/ The Committee on the Elimination of Racial Discrimination, in its concluding observations upon its consideration of reports by States parties, considers poverty a principal subject of concern and a factor impeding the implementation of the International Convention on the Elimination of All Forms of Racial Discrimination. Also, the Committee stresses that the general impoverishment of a country and the dysfunctioning of its social services and social security are causes of racial or ethnic discrimination and as such a matter of anxiety for the Committee. The Committee recommends States parties to report on these and other matters relating to poverty alleviation, including laws and policies addressing poverty, social and health services and the social impact of structural adjustment programmes under the auspices of the International Monetary Fund (IMF). (See CERD/C/304/Add.6, Concluding observations on Madagascar.)

48/ HRI/GEN/1/Rev.1, General Comment No. 3 adopted by the Committee on Economic, Social and Cultural Rights, para. 10.

49/ Statement of the Committee on the Rights of the Child to the Second United Nations Conference on Human Settlements (Habitat II) (CRC/C/50, annex VIII).

50/ On this subject, see the working paper submitted by Mr. Rajindar Sachar on the right to adequate housing (E/CN.4/Sub.2/1992/15).

51/ See the reports of the Working Group on Contemporary Forms of Slavery.

52/ See The World Health Report, WHO, 1995.

53/ See the article by Mr. Louis-Edmond Pettiti, "Misère, violation des droits de l'homme en Europe aujourd'hui", Revue Quart Monde, No. 151, 1994. Other writers, such as Mr. Frédéric Sudre, take the view that "extreme poverty itself has all the ingredients of degrading treatment as defined by the Commission and the European Court", ibid.

54/ HRI/GEN/1/Rev.1, General Comment 6 adopted by the Human Rights Committee, para. 5.

55/ "Pour une justice accessible à tous: le regard des familles en grande pauvreté sur les mécanismes d'aide légale et sur certaines initiatives locales", Council of Europe, Directorate of Human Rights, Strasbourg, 1992, document H (92) 2.

56/ The reference is to complaints Nos. 11.544 submitted by Casa Alianza and Centro de Estudias Judiciales Internacionales (CEJIL) and 11.286, 11.288 and 11 290, also submitted by CEJIL.

57/ E/CN.4/Sub.2/1995/15, annex II.

58/ See in this connection "Bâtir une société européenne de l'information pour tous", Premières réflexions du groupe d'experts de haut niveau, European Commission, Brussels, January 1996, pp. 88 et seq.

59/ See the many publications of UNESCO in connection with the World Decade for Cultural Development, and the report of UNESCO's World Commission on Culture and Development (chaired by Mr. J. Pérez de Cuéllar), "Our creative diversity", 1996.

60/ Indeed, remembering the horizontal vicious circle, it would appear reasonable for the Copenhagen Summit to prefer the term "infernal circle" of poverty (Programme of Action, para. 39 (f)).

61/ The subtitle used here comes from President Nelson Mandela's statement to the Copenhagen Conference when he said that poverty was the new face of apartheid, and the new face of slavery.

62/ This shows to what extent individuals are not recognized as human beings until they are identified by their rights. Put another way, they are not identified as human beings until their rights are recognized. Leave aside dignity, which is a value inherent in and common to all individuals whatever the time and circumstances of their life and their social status, and what is a human being deprived of all his rights?

63/ UNICEF, The state of the world's children 1993.

64/ Conclusion of the statement on the occasion of the launching of the International Year for the Eradication of Poverty (Press Release SG/SM/95/327, 15 December 1995).

Annex I

HUMAN RIGHTS RESOLUTIONS WITH A BEARING ON EXTREME POVERTY MANY OF WHICH SUPPORT THE NEED FOR THE STUDY

General Assembly

Resolutions entitled "Human rights and extreme poverty": 46/121, 47/134, and 49/179;

Resolutions relating to the International Day, the International Year and the United Nations Decade for the Eradication of Poverty 47/196, 48/183 and 50/107;

Economic and Social Council

Resolutions entitled "Extreme poverty": 1988/47, and "Human rights and extreme poverty" 1993/44;

Commission on Human Rights

Resolutions relating to the question of the effective enjoyment of economic, social and cultural rights: 1988/23 et seq.;

Resolutions entitled "Human rights and extreme poverty": 1989/10, 1990/15, 1991/14, 1992/11, 1993/13, 1994/12, 1995/16 and 1996/10;

Sub-Commission on Prevention of Discrimination and Protection of Minorities

Decision 1990/119, entitled "Human rights and extreme poverty";

Resolutions entitled "Human rights and extreme poverty": 1992/27, 1993/35, 1994/41 and 1995/28.

Annex II

FURTHER ACTIVITIES BY INTERNATIONAL INSTITUTIONS AND ORGANIZATIONS WITH A BEARING ON POVERTY

United Nations Children's Fund

The central focus of UNICEF's activities has always been the survival, protection and development of children. In addition to its noteworthy role in assuring the overall protection of children, it has distinguished itself by having allocated and continuing to allocate a considerable proportion of its resources to activities for the benefit of the poor and the neediest sectors of the population. Its long and first-hand experience of working with non-governmental organizations has inspired a large part of this study and is given due importance in the chapters describing the obstacles to which poverty gives rise. (From among its numerous publications, the report has drawn, inter alia, on its annual reports on the state of the world's children, particularly that for 1993 and its recent book entitled "Reaching the poorest", jointly published with ATD Fourth World.)

World Health Organization

Since poverty, and in particular extreme poverty, are among the prime causes of the chronically poor health of millions of human beings and of the high mortality rate in a number of countries, a high proportion of WHO's policies are designed to limit the harmful consequences for health of both phenomena. This is borne out by its most recent report, entitled The World Health Report 1995: Bridging the Gaps, in which three of the four priorities established for international health activities concerned poverty. The first priority for the future is to ensure value for money in the health sector, by refocusing resources on those who need them most. The second priority is directly concerned with poverty reduction. The third is the promotion of a policy of health for all, based on the concept of "equity". By approving these choices, the international community undertook to improve the state of health of all its members and to reduce discrepancies both among countries and between different population groups (See, also, World Health Assembly resolution WHA 48.16, which calls for the development of a holistic health policy based on the concepts of equity and solidarity.) As will be apparent throughout this study, the analyses and information provided by WHO have been extremely useful in its preparation.

United Nations Conference on Trade and Development

The conviction that it is imperative to support the numerous efforts under way both nationally and internationally to prevent, reduce and eradicate poverty led UNCTAD to establish a standing committee for this purpose. The philosophy underlying the work of the Standing Committee on Poverty Alleviation underscores the desirability of ceasing to consider the poor as a burden for society and confirms that it is the common interest of both rich and poor, donor and recipient, to give absolute priority to the struggle against poverty, in national and international programmes. (See, report of the Standing Committee on Poverty Alleviation on its third session (TD/B/42(1)/10). See, also docs. TD/B/CN.2/2, TD/B/CN.2 8-10,

TD/B/CN.2/GE.1/2, UNCTAD/PA/2-8, and more recently the Report of the Secretary-General of UNCTAD to the ninth session of the Conference (TD/366), January 1996.) The conclusions of UNCTAD'S ninth session, shortly to be held in South Africa, on globalization, liberalization and their impact on poverty mitigation are of considerable interest to this study.

United Nations Environment Programme

Since it produced its first studies, UNEP has emphasized the acute environmental deterioration that generally occurs in places or regions whose populations live in extreme poverty. Haiti, more than half of whose population live in abject poverty, is a case in point. It is sufficient to observe the extent of deforestation in the country to understand that it is no less than an ecological disaster caused by poverty. In turn, poverty itself is frequently the direct result of environmental deterioration. An example of this is the extreme poverty and marginalization which affect certain indigenous populations driven from their natural habitat by the environmental deterioration caused by the installation of polluting industry.

The aim of achieving sustainable and ecologically rational development has led UNEP to combat the vicious circle of poverty in which millions of human beings are trapped, compelling them to solve their daily problem of survival by destroying the environment and basic resources on which their survival and future well-being depend. (All United Nations institutions should take this ecological dimension of development into account in their programmes and activities. In 1991, the World Development Fund, one of whose main contributors is the World Bank, was established to provide concessionary aid to help the developing countries to carry out projects that will contribute to preserving the world's environment.)

United Nations Population Fund; United Nations Centre for Human Settlements (Habitat)

Activities supported by UNFPA have principally focused on the least developed countries and on the lowest-income sectors, with an emphasis on primary health care, women of reproductive age and family planning, etc. In turn, Habitat, which has played a major role in developing programmes to combat urban poverty, favours a comprehensive approach to community development. For this reason, it holds that "poverty is neither apparent, nor can it be measured solely in monetary terms". In order to discover its multiple facets one must closely observe the deplorable living conditions of the poor and the growing housing crisis which worsens daily worldwide. For example, in 1980, only one third of the Third World's population lived in towns or cities. Nowadays, half the world's population lives in cities and as the world becomes increasingly urbanized so does poverty. (See Les Enfants du monde, Review of the French UNICEF Committee. In June 1996 Habitat will hold the second United Nations Conference on Human Settlements.)

United Nations Food and Agriculture Organization; International Fund for Agricultural Development; World Food Programme

Since its inception, FAO has closely followed the trend in rural poverty and has put into practice numerous programmes to combat it. Where small

farmers and the poor as a whole are concerned, FAO undertakes activities in various complementary spheres of action. (Its main spheres of action are promotion of the production and growth of the agricultural sector, particularly small farmers; promotion and technical assistance to provide the poor with greater access to production resources; the development of human resources among the poor through food policies and nutritional measures, and the promotion of food security programmes.) As rural poverty still remains considerable and is the main cause of domestic migration, IFAD devotes the bulk of its resources to relieving rural poverty by means of programmes to assist rural women, small landowners and landless persons. For its part, WFP orients food assistance in order to alleviate hunger and poverty, although like those of FAO and IFAD, its programmes always aim to integrate the poor into productive activity.

International Labour Organization

This organization, which was established at the end of the First World War, has performed a thankless task defending the interests of all workers. During the 1980s, however, "when the wind of deregulation and flexibilization was sweeping through the world" (see La lettre du Bureau International du Travail, No. 20, May-June 1996, Paris), ILO focused on fostering social programmes to offset the negative impact of structural adjustment policies, in close cooperation with the World Bank and IMF.

But "after having heard so many peremptory opinions and diagnoses and after having observed so many miracle cures and surgical operations", illustrated, in their time, by the forecasts of OECD and the remedies of IMF, "there's no denying that the world's employment situation has worsened in the last 20 years" (see, La lettre du Bureau International du Travail, No. 20, May-June 1996, Paris). Since it was designated as the lead agency, for the employment component, in the implementation of the Copenhagen Programme of Action, ILO has seemed determined to play a far more dynamic role in analysing the international situation and in developing specific proposals in its sphere of competence. Report V, prepared for its eighty-third session (1996) and entitled Employment policies in a global context, illustrates this point. Basically, ILO considers work to be the most effective means of achieving integration into society and combating poverty and exclusion, particularly if the work is productive and freely chosen. The keynote of recent contributions by ILO has been its emphasis on the need to comply with international labour norms as a whole as the most effective means of counteracting unemployment and exclusion. In this respect, trade union freedoms are the counterpart of and guarantee for free trade (see, also, fifth report of the working party on the social dimension of the liberalization of international trade, ILO, Geneva and Combating unemployment and exclusion: issues and policy options, ILO, Geneva).

The regional commissions

In the regional sphere, the Economic and Social Commission for Western Asia (ESCWA) and the Economic and Social Commission for Asia and the Pacific (ESCAP), together with the Economic Commission for Latin America and the Caribbean (ECLAC) have directed a large part of their activities to

developing methods of measuring and assessing poverty and formulating policies and programmes to eradicate poverty, which have proved extremely valuable to the Special Rapporteur.

The contribution by non-governmental organizations

This deserves particular attention and should be the subject of a specific study, because the contribution by non-governmental organizations to combating poverty, extreme poverty and social exclusion and their overall efforts to secure the right to development are so vast and their activities so diverse that it is impossible fully and adequately to describe them.

The activities of the body known throughout the world by its English name of the Grameen Bank provide an illustration of the dimensions that non-governmental ventures can assume. This bank has thrown traditional banking caution to the wind by deciding not to require collateral from borrowers and by creating a banking system based on mutual trust, transparency, participation and creativity. It grants loans to Bangladesh's poorest village dwellers without requiring sureties. The Grameen Bank believes that credit is the way out of the vicious circle of poverty and the catalyst for the development process as a whole. It views credit as an instrument of emancipation, a weapon given to the poor, who have been denied access to the banking system simply because they were poor and thus financially unattractive, in order to allow them to change their socio-economic status. Professor Muhammad Yunus, the founder and Director-General of the Grameen Bank, started from the principle that if financial resources were made available to the poor on appropriate and reasonable terms, "those millions of humble people with their millions of humble activities would be capable of achieving something quite prodigious in the history of development".

Annex III

A definition of extreme poverty

"The lack of basic security connotes the absence of one or more factors enabling individuals and families to assume basic responsibilities and to enjoy fundamental rights. The situation may become widespread and result in more serious and permanent consequences. The lack of basic security leads to chronic poverty when it simultaneously affects several aspects of people's lives, when it is prolonged and when it severely compromises people's chances of regaining their rights and of reassuming their responsibilities in the foreseeable future."

This definition is doubly innovative because it defines poverty in terms of rights and responsibilities and it was drafted in association with all the social partners of a country and in consultation with very poor families and individuals.

Moreover, it underscores both the similarity and the difference between situations of poverty (first part of the definition) and extreme poverty (second part of the definition): both appear to be due to similar phenomena, varying essentially in number, extent and duration. It also shows that the demarcation line between poverty and extreme poverty, although very real, may be fluid.

The persistence of multiple insecurity over a long period, sometimes several generations, appears to contribute to the decline from a situation of poverty into one of extreme poverty.

By focusing on the fact that extreme poverty is due to a combination of underlying factors of insecurity, this definition places us in the area of the indivisibility and the interdependence of human rights. (Definition proposed by Father Joseph Wresinski, in the report entitled "Grande pauvreté et précarité économique et sociale", adopted by the French Economic and Social Council (Journal officiel, "Avis et rapport du CES", p. 25) which was first submitted for consideration by the Sub-Commission's experts in the preliminary report on the realization of economic, social and cultural rights by Mr. Danilo Türk (E/CN.4/Sub.2/1989/19).)